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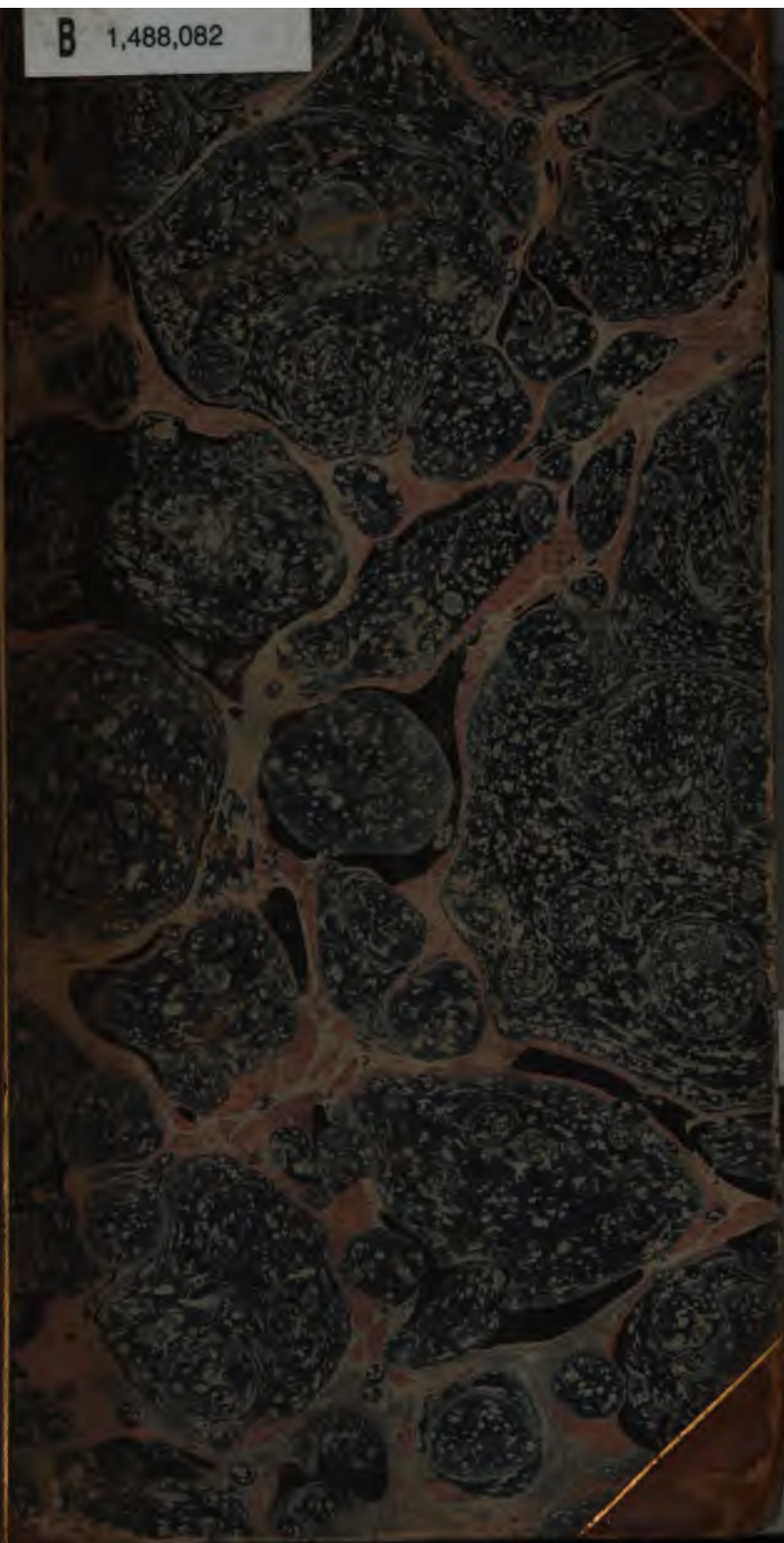
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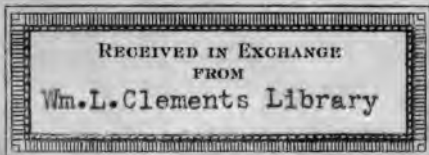
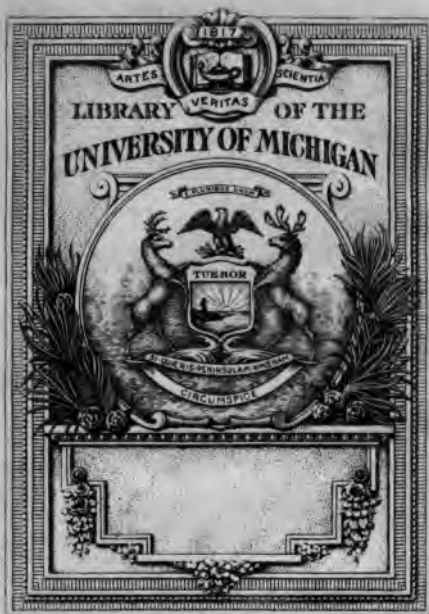




George Purling.



Newman B60







THE
Parliamentary Register;
OR
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate
Copies of the most remarkable LETTERS and PAPERS;
of the most material EVIDENCE, PETITIONS, &c.
laid before and offered to the House,

DURING THE
THIRD SESSION of the SIXTEENTH PARLIAMENT
OF
GREAT BRITAIN.

VOL. XIX.

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M DCC.LXXXVII.

I N D E X.

Speech of Mr. Sheridan and Mr. Rose	59	Mr. Burke gives notice of his intended charge against Mr. Hastings	91
— of the Secretary at War and Mr. Minchen	ib.	Observations thereon by Mr. Jenkinson and Mr. Pitt	ib.
— of Mr. Steele and Mr. Sheridan	ib.	Speech of Major Scott and Mr. Vyner	92
— of the Secretary at War, and Mr. Sheridan's reply	62	— of Mr. Chancellor Pitt and Mr. Fox	93
— of Lord North and Mr. Pitt	63	— of Mr. Martin and Mr. Vyner	95
— of Mr. Markham, and Mr. Pitt's reply	67	Mr. Fox signifies his intention of making his motion on the Westminster election, and is seconded by Lord Hood	96
— of Lord North, in vindication of himself	68	Mr. Basset moves for leave to bring in a bill for the regulation of ecclesiastical courts	97
— of Mr. Pownie, Mr. Taylor, and Mr. Fox	69	Lord Mahon, on the preserving the consequence of the House of Commons	ib.
— of Mr. Rose	70	List of the committee to try the merits of the Honiton election petition	100
— of Lord North and Mr. Grenville	71	List of Members returned to execute certain parts of the East-India judicature bill	ib.
— of Mr. Grenville, calling Mr. Courtenay to order	72	Sir Robert Smyth's remarks on the good effects of the bill for the prohibition of the exportation of hay	101
— of the Speaker and Mr. Dundas	74	Motion for continuing the above act supported by Mr. Drake and Sir Joseph Mawbey	102
— of Mr. Fox	76	Speeches of the Attorney General, the Earl of Surrey, and Sir Edward Ashley	ib.
— of Mr. Courtenay	77	Mr. Sheridan moves, that Mr. Joseph Pearson be called in and examined in relation to delivering ballot lists	103
— of Mr. Drake, &c.	78	Speech of Mr. Francis on that occasion	105
Mr. Gilbert brings up the report from the Committee of Supply of the vote of the army	79	— of Sir Joseph Mawbey and Mr. Pitt	106
Speech of Mr. Steel and Mr. Sheridan thereon	80	— of Mr. Fox	107
— of the Speaker, the Secretary at War, and Mr. Courtenay	81	— of Mr. Drake	108
— of Mr. Dundas, Mr. Wilberforce, and Mr. Grenville	82	— of Mr. Martin, Mr. Francis, Mr. Sheridan, and the Attorney General	109
— of Mr. Vyner, &c.	83	— of Mr. Jolliffe and Mr. Vansittart	110
Mr. Pitt brings up the estimate of the expence of erecting fortifications for the protection and security of the dock yards	ib.	Mr. Sheridan moves for a copy of	111
Speech of General Burgoyne and Mr. Sheridan	86		
— of Mr. Dempster, Mr. Pitt, and Mr. Vyner	87		
— of Mr. Courtenay	88		
— of Mr. Luttrell and Mr. Holdsworth	89		
— of Mr. Courtenay, Mr. Pitt, and Mr. Sheridan	90		
Mr. Jenkinson gives notice of his intended bill to regulate the intercourse between England and America	91		

I N D E X:

the appointment of the board of naval and military officers, &c.	111	Mr. Baftard moves for papers to be laid before the Houfe relative to the fortifying of the dock yards	158
Speech of Mr. Pitt on that business	<i>ib.</i>	Speech of Mr. Pitt on that business	<i>ib.</i>
— of General Burgoyne	114	— of Mr. Baftard, Capt. Mac- bride, and Mr. Pitt	159
— of Mr. Pitt in reply	115	General Burgoyne moves for a re- turn of the infantry in the king- dom, the number of effectives, and the deficiencies, for the year 1779	161
— of Mr. Fox, Capt. Bow- yer, Capt. Macbride, Mr. Cour- tenay, &c.	116	— Speech of Mr. Martin and Mr. Pitt thereon	<i>ib.</i>
Mr. Jenkinson opens the business on the intended intercourse bill be- tween England and America	117	— of Mr. Fox, and Mr. Pitt in reply	<i>ib.</i>
Mr. Burke moves for copies of all correspondence, fince Jan. 1782, between Warren Haftings, Efq. and the Court of Directors of the East-India Company, before and fince the return of the fald War- ren Haftings	119	— of Mr. Fox and Mr. Cour- tenay	163
Speech of Ald. Le Mefurier on that motion	126	Major Scott's remarks on Mr. Burke's motion for East-India papers	164
— of Mr. Dundas	127	Mr. Pye makes a motion relative to the militia laws	165
— of Mr. Fox	129	Speech of Mr. Rolle on that mo- tion	<i>ib.</i>
— of Mr. Chancellor Pitt	131	Remarks of Mr. Pye and Mr. Mar- fham	166
— of Mr. Fox, Mr. Dundas, and Mr. Rous	137	Speech of Mr. Jolliffe and Lord Mahon	167
— of Mr. Francis, Mr. Van- fittart, and Lord North	138	— of Mr. Rolle and Mr. Pitt	168
— of Major Scott	139	— of Mr. Markham, Mr. Pye, the Secretary at War, and Mr. Pitt	169
— of Mr. Burke	145	Mr. Pitt's motion and fpeech rela- tive to fortifying the dock yards	171
Mr. Burke moves for copies of all the proceedings at Bengal, Bom- bay, and Madras	147	Speech of Mr. Baftard on that mo- tion	185
Observations thereon by Mr. Pitt and Mr. Dundas	148	— of Sir William Leman	186
Capt. Macbride gives notice of his intended motion for copies of the reports of the estimates for forti- fications	<i>ib.</i>	— of Mr. Wallwyn and Gen. Burgoyne	187
Mr. Burke withdraws his former motion, and propofes a new one, for copies of Reports of the Select Committee	149	— of Lord Hood	188
Observations of Mr. Dundas there- on, and Mr. Burke's reply	<i>ib.</i>	— of Capt. Macbride	189
Speech of Major Scott	152	Lieut. Hockings's conclufion	196
— of Mr. Wilberforce, Mr. Fox, and Mr. Francis	153	Land officers' proviso	191
— of Mr. Chancellor Pitt	154	Speech of Mr. Berkeley	192
Motions made by Mr. Burke rela- tive to the East-India papers	155	— of Capt. Bowyer, Sir Cha. Middleton, and Col. Barré	194
Mr. Fox moves, that the fhop- keepers of Weftminfter be heard by counfel againft the fhop tax	157	— of the Hon. James Lut- trell, in reply to Col. Barré	195
		— of Mr. Browne	201
		— of Mr. Courtenay	202
		— of Lord George Lenox, Gen. Burgoyne, and Mr. Cour- tenay	203

Speech of Capt. Berkeley and Mr. Drake	376	The House in committee on the act for the better regulation, &c. of the East-India Company's affairs	412
— of Sir John Miller	377	Speech of Mr. Francis on that business	ib.
Mr. Francis moves for a call of the House on the impeachment of Mr. Hastings	378	— of Sir James Erskine	415
Opinions of Major Scott, Mr. Burke, Mr. Pitt, and Mr. Fox, on that business	379	— of Mr. Burke	417
Conversation between Colonel Fitzpatrick and the Secretary at War on bringing up the report of the committee on the mutiny bill	380	— of Mr. Fox	423
Remarks thereon by General Burgoyne and Mr. Pitt	381	— of Mr. Powys, Mr. Fox, Mr. Drake, and Mr. Pitt	424
Mr. Dundas makes a motion for leave to explain and amend the India bill.		— of Mr. Sloper, Mr. Fox, and Mr. Pitt	425
Speeches thereon by Mr. Francis, Mr. Pitt, and Mr. Sheridan	383	Remarks and replies by Mr. Sloper, Mr. Fox, and Mr. Dundas	427
Motion made by Mr. Francis relative to the above bill	384	Speech of Mr. Dundas on the same business	428
Speech of Mr. Fox on the report of the shop-tax committee being brought up	385	— of Mr. Fox	429
Mr. Burke's motion respecting witnesses on the East-India business	386	— of Mr. Pitt	431
Sir Watkin Lewes moves for a clause, by way of rider, to be added to the shop-tax modification bill	387	— of Mr. Fox	436
Mr. Fox moves that certain entries in the journals of the House concerning East-India affairs, might be read	ib.	Major Scott produces three papers relative to the affairs of Bengal, moved for by Mr. Burke	ib.
Mr. Fox's observations thereon	389	Speeches of Mr. Francis, Major Scott, Mr. Sheridan, and Mr. Dundas	437
Speech of Mr. Pitt	395	Major Scott makes a second motion, and Mr. Pitt speaks thereon	438
— of Mr. Sheridan	400	Major Scott's third motion	439
— of Major Scott	402	Speech of Mr. Sheridan relative to the government of India	ib.
— of Lord North	409	— of Mr. Dundas, Mr. Pitt, and Mr. Fox	440
Sir Adam Ferguson makes a motion relative to the election of Aberdeen	410	Mr. Jenkinson makes a proposition relative to the Newfoundland fishery	441
Mr. Pitt's motion relative to the Dutch East-Indiaman forced into Dartmouth bay by stress of weather	411	Speech of Sir Gréy Cooper	444
		— of Capt. Berkeley, Mr. Jenkinson, Mr. Sheridan, and Mr. Pitt	445
		Mr. Sheridan's remark on the business of the national finances	ib.
		Mr. Pitt's reply thereto	ib.
		The Stourbridge canal bill read a second time	447

THE
HISTORICAL
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of COMMONS,

In the THIRD SESSION of the
Sixteenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER

On TUESDAY the 18th of MAY, 1784.

24th January, 1786.

ON the twenty-fourth of January, 1786, the King went, at three o'clock, in the usual state, to the House of Lords, when Sir Francis Molyneux, Knight, (Gentleman Usher of the Black Rod), was ordered to signify to the Commons the royal command that they should attend at the bar. The Commons accordingly appearing, His Majesty made the following speech :

“ My Lords and Gentlemen,

“ Since I last met you in Parliament, the disputes which appeared to threaten an interruption to the tranquillity of Europe have been brought to an amicable conclusion; and I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country.

“ At home, my subjects experience the growing blessings of peace, in the extension of trade, the improvement of the revenue, and increase of the public credit of the nation.

VOL. XIX.

B

“ For

“ For the farther advancement of those important objects,
 “ I rely on the continuance of that zeal and industry which
 “ you manifested in the last session of Parliament.

“ The resolutions which you laid before me, as the basis
 “ of an adjustment of the commercial intercourse between
 “ Great Britain and Ireland, have been, by my direction, re-
 “ commended to the Parliament of that kingdom; but no
 “ effectual step has hitherto been taken thereupon, which
 “ can enable you to make any farther progress in that salu-
 “ tary work.”

“ Gentlemen of the House of Commons.

“ I have ordered the estimates for the present year to be
 “ laid before you: it is my earnest wish to enforce œconomy
 “ in every department, and you will, I am persuaded, be
 “ equally ready to make such provision as may be necessary
 “ for the public service, and particularly for maintaining our
 “ naval strength on the most secure and respectable footing.
 “ —Above all, let me recommend to you the establishment
 “ of a fixed plan for the reduction of the national debt. The
 “ flourishing state of the revenue will, I trust, enable you
 “ to effect this important measure, with little addition to
 “ the public burdens.”

“ My Lords and Gentlemen,

“ The vigour and resources of the country, so fully ma-
 “ nifested in its present situation, will encourage you in con-
 “ tinuing to give your utmost attention to every object of
 “ national concern; particularly to the consideration of such
 “ measures as may be necessary in order to give farther secu-
 “ rity to the revenue, and to promote and extend, as far as
 “ possible, the trade and general industry of my subjects.”

The Speaker and the Members having returned to their
 own House, the former begged leave to acquaint them that,
 in pursuance of the Act of Parliament, vesting him with
 certain powers, he had, during the recess, issued his warrants
 to the Clerk of the Crown to make out new writs for the
 election of representatives for seats vacated in Parliament,
 either by decease or other causes.

Several new Members now took the usual oaths.

The *Speaker* next read (as a matter of form, and, in proof
 of the long-established right of the Commons to discuss
 what points they chose to introduce, even previously to their
 consideration of the speech from the throne), the title of a
 bill for the more effectual prevention of clandestine out-
 lawries.

At length, the King's Speech having been read from the chair,

Mr. *John Smyth* (the Member for Pontefract) said, that the Mr. John Smyth.
 pleasure with which he rose for the purpose of moving an address of thanks to His Majesty, for the gracious speech which he had been pleased to deliver from the throne, was enhanced by the conviction that it stood, in every passage, so totally secure from all justifiable objections, as to establish the fullest claim to the unanimous approbation of the House. Under this idea, he should have felt it highly proper to leave the address, which he designed to take the liberty of proposing, standing upon the firm basis of its own merits, did not the respect due to those in the presence of whom he had the honour of speaking, call upon him, in some measure, to describe the motive for his rising. He should have felt a difficulty in remaining silent, while impressed with the opinion that the sentiments delivered from the throne must deeply affect the feelings of all Englishmen, who, placing a right value upon their mutual enjoyments and advantages, as fellow-subjects, were anxious for the most extended increase of the happiness and the glory of the British empire. Nor could he, upon this occasion, suppose that every Member of the House was not eager to participate with him in his joy at hearing the confirmation of the calmest existence of peace throughout the states of Europe; and of the amicable disposition with which the foreign powers seemed glad to turn their general attention to Great Britain. Attachments of this valuable kind from the surrounding nations, might be considered as the forerunners of blessings yet to issue from the introduction of peace; as the promisers of a still more extended and rapidly-accumulating commerce; as the earnest of the invigorated state and augmentation of the revenue; and as the harbinger of the firm establishment and affluent increase of public credit. Even in the example wherein success had not totally kept pace with natural expectations, though the commercial intercourse with Ireland was not yet settled upon the liberal and equitable plan which was completed in the last session, the majority of the House were not destitute of the comforting recollection that they had followed up all possible expedients to demonstrate the affectionate liberality of their attachment to a sister-country, and their anxious desire to throw open to her an unequivocal participation of every commercial benefit with Great Britain; a participation of which the leading object was to preserve inviolate the rights of either kingdom. Sensible that, from our naval strength, the first and most irresistible palladium of our country would certainly arise, he could not avoid turning with the most heart felt satisfaction to that

passage in the speech from the throne which so expressively recommended the maintenance of a powerful marine establishment, because he considered it (and he was sure that the House would coincide with him in this opinion) as a circumstance which must occasion rival nations to feel a proper awe, and to offer us, for their own sake, every due tribute of respect. He scarcely felt it needful to declare that the fixed plan for the reduction of the national debt was thoroughly intitled to an immediate, strenuous, and effectual adoption; and the rather as the most flattering prospects of lowering it to a sum much less considerable were now in view, whilst commerce, vigorous in its revival, was seen to flourish through a variety of highly profitable and extensive channels. Under these circumstances, the Minister who could summon up the virtuous and truly politic intrepidity to conceive and fully execute a plan for lessening, in a great degree, the amount of those millions which the country owed, must deserve, and ought, certainly, to receive the countenance and approbation of his Sovereign and of his fellow-subjects. His chief aids, in this important, this patriotic measure, must unavoidably connect themselves with the sinking-fund: and, surely, the People would never murmur at the slightly-increasing impositions of some moderate and equitable taxes, when they discovered that it led, unerringly and rapidly, to the attainment of so desirable an object.

Mr. Smyth now concluded with observing that he should no longer trespass upon the patience of the House than by moving,

“ That an humble address be presented to His Majesty, to return His Majesty our most humble thanks for his most gracious speech from the throne :

“ To express our satisfaction that the disputes which appeared to threaten an interruption to the tranquillity of Europe have been brought to an amicable conclusion; and, that His Majesty continues to receive from foreign powers the strongest assurances of their friendly disposition toward this country :

“ To assure His Majesty, that we are deeply sensible of the blessings which we experience from the enjoyment of peace, in the extension of trade, the improvement of the revenue, and the increase of the public credit of the nation; and that His Majesty may rely on the utmost exertion of our zeal and industry for the farther advancement of these important objects.

“ That, in order to promote, as far as in us lie, the common interests of all His Majesty's subjects, we humbly laid before His Majesty, in the last session of Parliament, several resolutions, as the basis of an adjustment of the
“ commercial

“ commercial intercourse between Great Britain and Ireland; but that, as no effectual step has hitherto been taken thereupon by the Parliament of that kingdom, we do not find ourselves at present enabled to make any farther progress in that salutary work :

“ To express our gratitude for His Majesty's gracious assurances of His earnest wish to enforce œconomy in every department; and our readiness, at all times, to make such provision as may be necessary for every branch of the public service, particularly for maintaining the naval strength of these kingdoms on the most secure and respectable footing: That, as we are fully impressed with the necessity of establishing a fixed plan for the reduction of the national debt, we shall lose no time in entering on that important consideration; and that it will afford us the most solid satisfaction to find that this most desirable object may be attained with little addition to the public burdens :

“ That the vigour and resources of the country so happily manifested in our present situation must give encouragement and confidence to all His Majesty's subjects; and cannot fail to animate our exertions in endeavouring, by a continued attention to the security of the revenue, and the extension of trade, to confirm and improve the increasing prosperity of the empire.”

Mr. *Addington*, seconding the address, remarked, that he did not entertain a doubt but that the House would unanimously receive the motion of his honourable friend; aware of the impropriety of objecting to return their most grateful thanks for a speech in which His Majesty had been graciously pleased to assure them of the continuance of their enjoyment of peace, and its attendant blessings, and in which he asked for little more than œconomy and regulation. That the felicities of peace were already in our possession, appeared from the extension of trade, the improvement of the revenue, and the increase of the public credit. And surely the House must feel the necessity of paying the most zealous attention to the furtherance of objects, so immediately conducive to interests so powerfully interwoven with their own. Yet, certainly, although feeling just cause for exultation in the enjoyment of these happy consequences of the peace, they all lamented the unfortunate jealousies and ill-founded alarms which occasioned the sister kingdom to reject a plan of commercial intercourse calculated to have admitted her to a participation of the same advantages. He trusted, however, that the time was not far distant, when the arrow of prejudice would have spent its force, and the misconceived idea of any design in the British Parliament to resume the legislative rights of Ireland, or in
any

any degree trench upon its independence or constitution; would exist no longer. While he considered the present prosperous situation of public affairs in its most pleasing state of contrast to their former alarming condition; he trusted that even the innocent instruments of incurring those burdens, with which the country had been loaded by the heavy expences of the late unfortunate war, would join in the general joy at the happy change of circumstances, and chearfully co-operate in endeavouring to alleviate the public burdens by every means which either œconomy could dictate, or the wisest management effect. The great points recommended in the speech, all went to the necessary and invigorating revival of that constitution, the fabric of which had not long since tottered, and experienced the danger of being shaken to its foundation. He was persuaded, therefore, that every gentleman would feel it to be a common cause, and not hesitate, on the present occasion, to give his unanimous support to the address. For his own part, he did not consider it in the least requisite to place a watch upon the emotions of private friendship, because the commendation which it behoved him to bestow was due to the public conduct of the Minister, and consequently stood distinct and separate from his partialities for the man.

The Earl of
Surrey.

The address having been read from the chair, the Earl of *Surrey* observed, that he could not subscribe to the extravagance of the panegyrics pronounced by the two honourable gentleman who opened the debate. He could, by no means, concur in the opinion of either the honourable gentleman who had spoken first, or that of the honourable gentleman who had since, with so much eloquence, discussed the few topics which composed the speech from the throne; much less could he join in complimenting the right honourable gentleman now at the head of the national affairs. He had declared, when the Administration first came into his hands, he had no confidence in either him or his coadjutors in office. His opinion had not been in the least altered by recent circumstances, but, on the contrary, confirmed and established. So far from thinking him deserving of his confidence, or that of the honourable gentlemen with whom he acted, he had every reason to conclude that the confidence of those gentlemen, who had hitherto supported the Minister, ought now to be withdrawn. Those measures which the right honourable gentleman had too successfully brought forward, were bad measures in themselves, and ought never to have been proposed; while such of his measures as were deserving of success, had uniformly failed, which was, to his mind, an unanswerable proof of his incapability as a Minister, and of his lost claims to the confidence of that House. The right honourable gentleman

man

man's first measure, had been his India Bill, which instead of securing peace and order in India, had produced the opposite effect, and excited the most violent and clamorous discontents. The second measure of the right honourable gentleman had been as wise a one as ever was brought forward by any Minister, and in which he had himself joined and endeavoured to support him most heartily; the attempt to effect a reform in the representation of the People. The right honourable gentleman's failure in that measure, and his want of power to carry it, convinced him that he was unfit for his situation. The other measures of the right honourable gentleman had been, in his opinion, unwise and mischievous in their tendency, as well the oppressive taxes he had imposed, as the resolutions for the adjustment of a commercial intercourse with Ireland, brought forward in so strange a manner, and giving so much disgust to both countries. It appeared extraordinary, that an allusion to those resolutions made any part of the address. What necessity existed for mentioning them at all, after the declaration from the Throne, that they could not do any thing respecting them? It seemed by no means proper for the House to say any thing upon the subject, and therefore, he should move, by way of amendment to leave out the whole paragraph of the address alluding to the resolutions in question. With regard to the surplus of the revenue, he could not, for one, admit that Ministers deserved the credit of it; and, though ready to acknowledge, that œconomy was a proper object of attention, he did not think that the measures of the Minister were equal even to assurances that he honoured it with his attachment. Was the maintaining an Ambassador to Madrid at a large expence for two years together, during all which time he had never once been in Spain, a proof of the œconomy of Administration? Or was the having two Ambassadors upon separate establishments at Paris to be considered as its test? Possibly, the right honourable gentleman who was appointed the new Ambassador, with new powers, and whom he did not then see in his place, [A loud laugh, Mr. Eden sitting upon an *opposite* bench.] could convince him that he was in an error, in thinking that two Ambassadors to one Court were neither necessary nor œconomical; and perhaps the same right honourable gentleman would state, that he had been furnished with reasons to induce him to give his confidence to that very Administration; or for withholding his confidence from him whom he had at different times supplied with so many reasons. Not finding the right honourable gentleman, his late political friend, upon the bench where he *once* sat, and from whence he had declaimed so ably against the measures of the Minister, he could scarcely believe, in spite of recent circumstances,

stances, that he had changed his place. Lord Surrey now expressed his supposition, that the part of the speech which recommended the maintaining the naval strength of the empire, on the most secure and respectable footing, went to an increase of the navy.

(*Mr. Pitt rose and said, "such words were not in the speech." The Speaker then read the paragraph in question.*)

By maintaining our naval strength, he hoped it was not meant, the confining our navy to its present establishment, or governing it by what it was in 1748, or at the end of the war before the last; but that keeping in view the number and strength of the navy of the House of Bourbon, we should take care to make our marine prove at least equal to theirs; since upon that circumstance alone depended our security. If this was to be understood, he should not object to that part of the address, though he owned he should have been far better pleased, if the recommendation of maintaining our naval strength on a respectable footing, had been accompanied with a declaration that the standing army was to be reduced. He saw no occasion whatever for keeping up as large a military force during a state of dismembered and diminished empire, as before such diminution took place. He did not mean to object to any part of the address, except the paragraph which mentioned the Irish propositions, the whole of which he moved by way of amendment, to omit.

Mr. Minchin, (but without a speech) seconded the motion.

Mr. Fox.

Mr. Fox declared that of all the speeches from the throne which he ever remembered to have heard delivered at the opening of a session of Parliament, of all the speeches of that kind which he had ever heard of by relation, or read of in history, he did not recollect to have met with an instance of one so cautiously worded, or that afforded such little ground for objection of any kind. He rose therefore to speak to what was out of it, rather than what was in it; to that which perhaps ought to have been there, rather than to what was there. The propriety of a Minister's contenting himself with addressing a British Parliament from the Throne, with general ideas of the political situation of a country instead of specifically adverting to facts and circumstances, which deeply and materially concerned its first and dearest interests, relatively considered with those of other states, would be for others to judge and to decide upon. It was enough for him to say, that there were so many matters pending, and so much had been lately done by foreign powers, the consequences of which might more or less critically affect Great Britain in proportion to the measures that His Majesty's Ministers had pursued; and, indeed, upon the ground of these transactions, he had looked for something more than vague assurances of

the tranquillity of Europe, and had expected His Majesty's speech would have given that House a variety of great and important subjects, intimately connected with the future prosperity or ill fortune of the empire; upon all of which the speech left the House in utter and impenetrable darkness. With regard to the extension of trade, the increase of the public credit of the nation, and the growing surplus of the revenue; those were circumstances in which every man must rejoice; and at which no party, no political faction, no set of persons of any name and description whatever could suppress their exultation, because they went to prove, what must be to all ranks of men and all political parties, a matter of solid satisfaction and unrestrained triumph, the returning vigour of our resources! But, were these matters of surprise, were these circumstances to cause astonishment? Undoubtedly they were not. Almost every man knew there would be some surplus; almost every man expected it; they only differed about the amount of that surplus, one gentleman alone excepted, who had certainly contended, and had endeavoured to prove, that there would be no surplus; but that gentleman had probably been since convinced of his error, had retracted it, and as every man of candour would do, he had no doubt he was ready publicly to acknowledge that retraction. That there would be some surplus, he had always admitted; what that surplus was, he would not then attempt to bring into discussion. Indeed it was not possible till he knew it, till he had it stated to him, and its amount was fairly before him, and capable of argument and of investigation. He would not assert to what the signs of returning vigour were ascribable; that might be matter of much useless difference of opinion; several of them might be owing to the success of some of the measures of the present Administration; he would not be so uncandid as to deny that they were; but more, far more, he believed, were owing to the failure of others of their measures, which, had they succeeded, must have been attended with consequences, the most fatal to the revenue, and to the national credit and prosperity, that could possibly be imagined. Nothing but the alarm and disgust created by the agitation of those bad measures could have so long kept back the returning trade of the country, the natural consequence of peace, and which ever had been the case at the end of every war before the last. Those alarms and disgust had been done away, in a great degree, by the failure of the measure to which he alluded, and the tide of trade was now returning to its old and natural channel. For his part, he certainly should not object to the address in general, though he might probably vote with his noble friend for his amendment; but there were two matters of considerable importance,

ance which, in one instance, arose out of the wording of the speech, in its first paragraph, and in another, was mentioned in a subsequent part of it upon both of which he must say a few words, and expect to receive some answer; whether satisfactory or not the event would prove. What he meant was, to inquire what sort of construction, whether broad or narrow, was to be put upon that part of the speech which related to the tranquillity of Europe, and stated, that His Majesty continued to receive the strongest assurances from foreign powers of their friendly disposition towards this country? He wished also to know what was meant by the manner in which the resolutions relative to an intended adjustment of a commercial intercourse with Ireland was mentioned, and whether they were to understand, by being told from the Throne, that they were incapable of making any farther progress in the work, that the resolutions were completely abandoned and given up, or that they were to be revived, and endeavoured to be carried into effect at any future period of time? On both of these points it was exceedingly material that such information should be given, that each might be clearly and precisely understood. With regard to the first, if the mention of the tranquillity of Europe alluded only to the end put to the threatened war between the Emperor and the United States of Holland, in that case the construction was too narrow, and His Majesty's Ministers greatly undervalued the information of that House, and not of that House only, but of every man who read or attended to the political transactions of Europe, and who was at all aware of what passed on the Continent, the different treaties lately entered into by different foreign powers, and the conduct which ought to have been pursued with a view to counteract the operation of those treaties, and transactions, as far as it was likely to prove or capable of proving prejudicial to the interests of Great Britain. He was aware, that being no Minister, he had it in his power to speak in a style, in which it would be highly imprudent for His Majesty's Ministers to express themselves, and as the matters that he should have occasion to treat of, were of infinite consideration, he should endeavour to make himself as well understood as possible. With respect to the naval force of this country, and what ought to be the criterion of its number and strength, a noble Earl (of Surrey) had mentioned only the naval force of France, forgetting that France was but one branch of the powerful confederacy of maritime powers, entered into with a professed hostility to Great Britain; for though all treaties were avowedly treaties of a defensive nature, and entered into upon a pretence of mutual defence, every man who knew any thing of the meaning of treaties, knew that their true intent and purpose

was offensive to all who, in the opinion of the contracting parties, took any measure, considered as inimical to the interests of either of them. The treaty, therefore, which the House of Bourbon had persuaded the United States to enter into with them, and which effectually secured Holland in their hands, was to be considered as a treaty hostile to this country, inasmuch as it combined three of the most powerful maritime powers of Europe in a confederacy against Great Britain. That it was unadvisable and impolitic for the United States to enter into any such treaty, he verily believed; but, as the treaty was made and executed, it behoved our Minister to be vigilant and assiduous in engaging in some alliances with other European maritime powers, whose connection and support might enable us to counteract the mischievous tendency and effect of the operation of the confederacy in case of a war with either of the contracting powers. In explanation of the consequences to be dreaded from this confederacy, he should beg leave to remind the House, that our late war with France had been purely a maritime war, as we had carried on no military operations by land, excepting only against our own subjects in America; and this, surely, afforded arguments to shew the extreme and urgent necessity for our forming a close and intimate alliance with the Court of Petersburg; and doubtless, if the two Cabinets properly understood the relative interests of Great Britain and Russia, and how much they were by the character, commerce, and situation of each mutually involved, and naturally combined, they would lose no time in the negotiation of such a treaty. Two years ago a crisis was formed, of which this country ought to have taken advantage, and which he had, at the precise moment, pointed out in that House. Many gentlemen might recollect the moment to which he alluded, was that, when the Empress of Russia had settled her differences with the Porte, on the subject of the Crimea. Though it had been admitted on all hands, that the settlement of those differences about the Crimea had formed the crisis he talked of, and that the most glorious opportunity had been afforded for Great Britain to help herself, had the circumstance been managed with dexterity, nothing had yet been done. The recent advantage France had acquired as a maritime power, by obtaining possession of a port in the Baltic, should, if possible, have been prevented. In one situation of affairs, the possession of Gottenburgh, it was true, France could make but little use of it; but, in case of a war, the advantage must be prodigious to her. Let gentlemen recollect, that in all her wars, France had been most embarrassed by her continental situation, and the dread of an attack from the neighbouring powers; the whole of her policy therefore had been directed

directed to engage them in such a manner, as to add to her security, and hence it was, that during her last war, she had been able to render her maritime force so respectable and so powerful, because she had no occasion to give her attention to the strengthening of her frontier towns, the adding to her internal fortifications, the recruiting her garrisons, and all those variety of considerations necessary kept alive, while it appeared possible for her continental neighbours to seize the opportunity of profiting of her being engaged in hostilities at sea. Nay, she was even able to aid her resources by a reduction of her army in time of war, and apply the saving to the increase of her maritime strength. What was the case at present? France was safe by her family compact, as to any fear from Spain; and she had by the late treaty quieted all possibility of dread from Holland, which indeed had never been very powerful by land. Her only cause of alarm, therefore, was the court of Vienna, and that, notwithstanding all former assurances of good fellowship, and notwithstanding the still more endearing bonds of connection cemented by family union, was a constant and serious source of alarm; but that cause of terror we had put to rest, having given His Imperial Majesty great disgust, and rendered his feelings adverse to Great Britain. All this had arisen from the part which the Elector of Hanover had taken in joining the Elector of Saxony, and other Germanic Princes in the league founded on the plea of preserving the liberties of the empire. The safety of France by land was effectually secured by the effect of that league on the mind of the Emperor, and we should find her hands strengthened considerably in any future war in which we might be engaged with her. France had nothing to wish for before that league was made, but that some circumstance or other should happen to create a jealousy and dislike of Great Britain in the Emperor. That circumstance we had ourselves provided, and provided gratis, at a moment when France would have paid us any price for it, far more than she had expended in bringing about the peace between the United States of Holland and the Emperor. The most sanguine dreamer of national good fortune could not have pictured to himself the possibility of such a prosperous event in favour of France.

One circumstance looked propitious to this country, which he had heard from such authority as he could rely on, and therefore he would mention it. At the same time he did not doubt but the right honourable gentleman, as a Minister, was aware of it; but as it was a favourable omen for Great Britain, he was glad to be the person to announce it in that House, and that was, that there now offered a good opportunity for renewing a treaty of commerce with Russia, and that

it was in a fair way to be renewed with success. He well knew the fashionable mode of calling treaties commercial and treaties political distinct and separate sorts of treaties; but he was not to be blinded by any such new-fangled and ill-founded distinctions; treaties of commerce entered into between two countries always had influenced their politics in a very great degree, and he had not a doubt but a treaty of commerce, entered into between the Court of London and the Court of Petersburg would have its due and salutary effect politically as well as commercially; he was, therefore, extremely glad of a circumstance so promising to the interests of both countries. To the mention, however, that the treaty was likely to go on between Russia and Great Britain, he thought it fair to add, that he had heard Russia would, at the same time, enter into a commercial treaty with France; of that, he had received his information from a very different quarter, from an authority not equally good, as that from which he had heard the other, and therefore he hoped, and believed, that the information was ill founded. He had no opinion of good resulting to this country from a commercial treaty between Great Britain and France, and his reason for not thinking that such would be its effect, was, that the experience of past times proved, that this country had grown great, prosperous, and flourishing, from the moment that she quitted all her commercial connections with France. He expressed his strong disapprobation of the idea of putting the country to the expence of two different establishments for two different Plenipotentiaries to Paris, and contended that it was idle and unnecessary. There were two ways of doing the business of this commercial treaty, and finishing the negotiation of it. Either the noble Duke (of Dorset) now there might do it, or a person like Mr. Crawford, who had been employed already, might act under him. At any rate, he declared he saw no reason for sending out a gentleman, whose rank in life rendered it improper for him to act in a subordinate capacity. The right honourable gentleman at the head of the Treasury, had undoubtedly chosen a gentleman (Mr. Eden) for the office of extra Plenipotentiary, who knew somewhat more of the details of trade and commerce than he did himself. That the right honourable gentleman was better acquainted with commercial concerns, the last session had well convinced the Minister on more than one occasion; but still he saw no reason for employing even that right honourable gentleman's talents on the subject, and he feared the appointment had rather been made out of respect to the person, than from any necessity for the exercise of the right honourable gentleman's abilities in the way in which they were to be employed. The New Board

Board of Trade, which was undoubtedly composed of men of great abilities and consideration, and men of higher rank than the members of the Old Board of Trade, were the most extraordinary timeists, if he might so call them, that ever existed. Last year, after the propositions had come over from Ireland, and just as the British Parliament was called upon to vote them, the New Board of Trade proceeded to inquire whether the propositions were such as were fit for either country. In the case of the commercial treaty, they were equally singular in the time of their sending out a person with proper powers to negotiate it. By the treaties of 1782, a treaty of commerce was to be negotiated between this country and France, on or before the 1st of January, 1786, and from that day all negotiation was to be at an end. Now, therefore, when the time of negotiation was past, the New Board of trade were busy with the subject, and they were about to send out a negotiator. He supposed no step had been taken, nor scarcely any progress made within the time prescribed by treaty. A second proof of the bad timing of our political proceedings was, that Sir James Harris had presented a memorial to the States upon the subject, but unfortunately not till after the treaty was concluded. When he read the memorial, he pitied the situation of Sir James, as he could from his own knowledge declare, that Great Britain never had a more respectable, a more able, or a more active and accomplished Ambassador at any foreign Court whatever. As to affairs in India, ever since the Board of Control had been established, a dark veil had been carefully drawn over all which had passed in that distant part of our dominions, and he verily believed not without good and sufficient reason; secrecy, he was persuaded, was the only safeguard for the conduct of the Commissioners, whose orders had added to the confusion of our affairs in India, rather than produced any one salutary effect in the British possessions in that quarter of the globe. Let the Minister declare, whether after all that had happened, he still would venture to talk of his East-India Bill in his usual tone of triumph? Every man was pardonable for entertaining a speculative opinion of the probable good effect of any measure of his own before it came to be tried; but no man ought to be allowed to indulge himself in expressions of self-praise, which experience had proved that he by no means merited. His India Bill had been attacked on the ground of its taking away the charter of the East-India Company, after proof of its having been grossly abused; but the right honourable gentleman's bill did what was ten thousand times worse; it took away the unalienable rights of individuals, and deprived British subjects of their birth-right, the right to trial by jury, and of trial by their Peers; a right secured of every

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Englishman by the great charter of our liberties. The clause, obliging all the servants of the Company who came from India, after a certain period to give an account of their fortunes on oath, was most unjust and delusive. It held out protection and security to the rich, while it obliged the poor to submit to its severest operation; it gave all that wished not to submit to it three years to return home in; this the opulent, and the opulent alone could take advantage of. As to the boasted accounts of the promising state of the revenues of India, instead of only 1,400,000 pounds deficiency, they would now, he believed, find not mere errors of fractions, but errors of millions. Lord Macartney had acted throughout the whole of his stay in India upon the most upright principles, and had come home with hands perfectly unfilled. His Lordship, from a conviction of the necessity of the measure, had taken the collection and management of the revenues of the Carnatic out of the hands, not of the Nabob, but of his agents and usurers, who plundered the natives and robbed him, and had vested both in the hands of the Company. This measure the Board of Control had overthrown by their orders, and directed the collection and management of the Nabob's revenues to be restored to him. The fatal effects of the order had spread alarm and terror through the Carnatic, and impressed the Council at Fort St. George with so strong an idea of its impropriety, that Lord Macartney went himself to Calcutta, to remonstrate with Mr. Hastings, and to deprecate the consequences. Let the House guess the surprise of his Lordship, on finding Mr. Hastings departed for Europe, and a commission there appointing him Governor General, a situation it was impossible for him to accept, while the order to restore the collection and management of the Carnatic revenues to the Nabob continued in force. How absurd to remove the Governor General, who recommended the measure Lord Macartney had reprobated, and appoint his Lordship to the post of Governor General with orders to do, what he himself had found to be equally unwise and mischievous to the interest of the Company and the interest of the Nabob, and had condemned? As to the Irish propositions, it was highly necessary that Parliament and the Public should clearly know what was intended. When the subject was first started the right honourable gentleman, (Mr. Pitt) in some of the most vehement strains of his all-powerful eloquence, had condemned the noble Lord (North) in the blue ribband for giving Ireland certain grants, without having first asked her whether they would be acceptable, and for leaving matters as they stood, when the propositions were first taken up, the right honourable gentleman having again and again told the House it was impossible they could remain as they were. He desired

desired to know what was the true construction and meaning of that part of His Majesty's speech then under consideration, that mentioned the resolutions, but a declaration to that House, that matters must remain as they were? He urged the flat contradiction that the event of the business had given to all their predictions respecting its success, and stated in strong terms the mischief that he conceived the agitating the matter at all had done, by disgusting the manufacturers of Great Britain, teaching them that the House of Commons would disregard their petitions, stating their dread of the mischievous consequences to their several branches of manufacture, were the intended system carried into execution; and as the best means of checking the evil, and preventing the effect of having entered into a discussion of points, which he was convinced ought never to have been disturbed or brought before the public, he advised the Minister explicitly and unreservedly to declare his determination to abandon all farther thought of attempting to carry a measure so detestable in the eyes of the manufacturers and merchants of Great Britain and Ireland. While mentioning the manufacturers, he should declare that he was satisfied that to their ingenuity and industry, and to their spirit and perseverance, the country owed its exaltation to the state of respect, character, consideration, and prosperity, to which its trade, manufactures, and commerce had been raised in the eyes of all mankind. As to the reasoning used by the Secretary of State for Ireland, in his celebrated letter to his constituents, in recommendation of the propositions on the ground that, as the British manufacturers considered the grant of the propositions to Ireland to be highly injurious to their interests, they must necessarily be advantageous in an equal proportion to the interests of the Irish manufacturers, it was an argument perfectly sound and forcible in itself; but extremely humiliating to the British Ministers, and placing them in a very contemptible light. Mr. Fox expressed his readiness to grant that his remarks formed rather a series of reasoning against what was out of the speech than against what was in it; yet, these served more to strengthen than invalidate his right to an explanation of the two main points of the speech on which he had descanted. The explanation once given, he should, for the present, cease to trouble the House, though most of the topics which he had touched upon would, hereafter, need a full discussion.

Mr. Pitt.

A short interval of silence having taken place, Mr Pitt rose and said, he had refrained, during some moments, from troubling the House, expecting, but in vain, to hear (what certainly had not fallen from the right honourable gentleman who spoke last) objections against the address. He could not avoid bearing testimony to that peculiar, and almost in-

instinctive, dexterity, with which the right honourable gentleman was enabled, on all occasions, to leave out of the discussion such parts of the subject as were unfavourable to him; and he enjoyed at the present juncture, equally an opportunity of admiring a similar talent of introducing, however foreign and unconnected, such matter as he expected would be favourable. Thus did he entirely abandon the various subjects of the speech, in order to discuss some that were, as he complained, omitted. The right honourable gentleman's sentiments, with respect to the situation of the country, being rather of a desponding cast, he had, no doubt, an expectation of finding something in the King's Speech presenting him with an opportunity of indulging his melancholy feelings on the state of public affairs; but perceiving every part of the speech filled with the happiest intelligence, he had been obliged to travel into foreign countries in pursuit of his object. He had traversed the empires of Germany and Russia; he had visited Turkey and the Crimea for this purpose; but, considering, like other modern discoverers, Europe as too narrow for his inquiries, he had carried his speculations to the remotest parts of the globe, and ransacked the Indies for sources of complaint and of despair. Although he by no means intended to follow the right honourable gentleman in his deviations from the subject as largely as he had set him the example, he should yet make some answer to each part of the right honourable gentleman's speech, allowing himself however a latitude of avoiding to give any opinion whatsoever concerning particular parts of it, though on all such as he thought he could with propriety animadvert, he would freely deliver his sentiments. The right honourable gentleman had acknowledged that he considered himself at liberty, in his present situation, to speak of foreign Courts, and their views and interests, in a manner, to which His Majesty's Ministers were, by a sense of duty, prevented from recurring. For his own part, although ready to admit, that there was a stronger and more sacred restraint on those who were in the immediate confidence of His Majesty than upon other gentlemen, yet he must also observe, that the duty of members of Parliament, although in some, from their additional character of Ministers, it might differ in degree, was, in general, of the same nature with respect to all; and that part of his duty, which enjoined a delicacy and caution, when speaking of foreign States, was one from which he would not suffer himself to be diverted by the right honourable gentleman. The right honourable gentleman had desired to be informed to what particular part of continental politics that part of His Majesty's speech alluded, which announced the project of a general peace. He could take upon him to say that it

solely related to that particular transaction, which had taken place since the conclusion of the last session, the treaty of peace between the Emperor of Germany and the States General of the United Provinces, by which a dispute was terminated that, until then seemed to threaten the peace of Europe, and had been described in that light by the speech from the Throne, at the opening of the last session.—As to the question the right honourable gentleman had thought proper to ask, whether there did not exist between any other Princes or States of Europe such seeds of disagreement and ill-humour, as might probably break out into future animosities and wars; that was a subject on which he thought proper to decline giving any opinion whatsoever. The right honourable gentleman had signified his apprehensions of a hostile disposition towards *Great Britain* in certain Courts of *Europe*; and to this he could answer (in terms similar to those contained in the speech,) that there was every assurance of the most friendly intentions from them all. With respect to the treaty with the *Empress of Russia*, it was in a state of forwardness, and (he had every ground to hope) would be completed in such a manner as should give general satisfaction. The German confederacy, to which His Majesty, in his capacity of Elector of Hanover, had acceded, had also been mentioned, and Ministers were loudly told that they must step forward as the vindicators of it propriety. He should by no means take upon him to make such a defence; as he was ready to confess, that whatever might prove either the merit or demerit of that measure, he and his colleagues in office were by no means entitled to pride themselves on the former, or reduced to the necessity of taking shame to themselves in consequence of the latter. As to the connection with Hanover, however accident had placed the sovereignty of that country and of this, in the same hands, it by no means followed that the interests of each must necessarily be the same; though he was willing to admit, that from the circumstance of their having one and the same Sovereign, it was likely that their interests might sometimes be parallel, when without that circumstance they might prove different, and perhaps it might advance their mutual advantage to make their interests as reconcilable to each other as possible. Yet he desired to have it understood, that *Great Britain* was by no means committed or bound by any league lately entered into by the Elector of Hanover; nor did he look upon it as incumbent on the Ministers of this country to lay before Parliament, except in cases of necessity, such arrangements as may have been made for Hanover, by the advice of the Ministers of that Electorate. What could equal the inconsistency of the right honourable gentleman's (Mr. Fox) ap-
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prehension of our being involved in difficulties through the means of His Majesty's German territories; and yet his expecting, that the Administration of those territories should be subordinate to, and regulated by the Minister of Great Britain, as if that very circumstance would not of itself render it absolutely necessary that this country should on all occasions consider itself as bound to protect and assist the electorate! Whereas the only way for Great Britain to avoid embroiling herself in quarrels for Hanover, was by our Administration standing as much as possible independent of Hanoverian politics. With respect to the situation of India not being touched upon in the speech, he apprehended that the right honourable gentlemen might as well have objected to a similar omission concerning any other of the foreign possessions of the empire. The complaint was that our Indian affairs had not been mentioned, as in former speeches, ever since the appointment of the Board of Control. The reason of this was perfectly obvious, and had been explained on the first day of the preceding session. It was, that so many errors and miscarriages arose formerly out of the Government of that country, that His Majesty for many sessions had been induced to call upon his Parliament to adopt some mode of effectual regulation, by which a stop might be put to the enormities complained of; that Parliament had at last taken up the business, and applied an effectual remedy; and therefore the necessity for the Crown to remind them of it no more existed. The right honourable gentleman had been carried away by his warmth on this subject so far as to introduce a topic, which formerly he was extremely averse to hear mentioned—the violation of charters. On this head the right honourable gentlemen had gone great lengths; for, he had stigmatized the mode of trial appointed for East-Indian delinquents as an infringement on the Great Charter, by setting aside the trial by Jury. He chose, indeed, with a degree of liberality, to applaud that mode of trial, but contended, that there might be tribunals in certain particular cases that would be found adequate to all the purposes of public justice in a like degree; and he particularly instanced the present mode of trial as entitled to equal approbation, and very nearly resembling in its constitution the best sort of special jury.—But surely when the right honourable gentleman reflected that no man became subject to this new judicature, except by his own choice, and at the same time compared the situation of the Company's servants with that of the men on whose bravery the independence and safety of our country depended, (our land and naval forces) many of whom were forced into the service against their will, and detained there contrary to their wishes, he could not pretend to say, that

that if it were just to govern such men by martial law, and to substitute in their trials a Court Martial instead of a jury, it was any hardship on the servants of the East-India Company, who had the option to go there or remain at home, and return as they pleased, that a mode of trial should be instituted for them, different from that which was generally used, and which they might entirely avoid, unless the profits and advantages of the East-India employment appeared to them a sufficient compensation. The right honourable gentleman had entered largely into the state of the revenue of the Company's settlements, and had calculated, that the only increase which he expected to hear of, was an annual deficiency of 13,000, and errors not of small sums and fractions, but of millions. He would not for the present attempt an exact statement of the surplus of the revenues of the East Indies; but he would only say, that he expected and believed that they would appear, and some regulations and retrenchments had taken place, to exceed, in a ten-fold proportion to the incumbrances under which they laboured, any surplus that might be hoped for in this country. His warmest wishes would indeed be gratified, and the most sanguine dreams at any moment formed of the prosperity of Great Britain would prove more than realized, if it could be found that our resources for diminishing our debt bore any comparison to those of the East-India Company. With respect to the supposed inconsistency of Lord Macartney's appointment to the presidency over the general affairs of the Company, at the same time that his conduct in the assignment of the revenues of the Carnatic was not approved of, he desired it to be recollected, that although he and Mr. Hastings had differed upon more points than one, yet that affair alone excepted, he had acted in such a manner as entitled him to the highest applause which words could possibly bestow. Such were the talents of Lord Macartney, that, from the whole of his Administration of the Government of Madras, he appeared perfectly eligible to that of Bengal, and particularly as the sole object, in which his conduct at *Madras* had been supposed objectionable, was one in which the policy of the measure was with Lord Macartney, though the good faith and credit of the nation rendered it necessary to make a sacrifice; besides that particular object would no longer have rested under Lord Macartney's department, after his removal to Bengal.

He was happy to find the right honourable gentleman entertained so high an opinion of the noble Lord, because it would tend, perhaps, to reconcile him to a part of the East-India bill, of which he so violently complained, to find that a nobleman of such great reputation and distinguished virtue had borne in the most pointed manner the testimony of his
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approbation to the system of calling all persons returning from the Company's service to account on oath for their acquisitions. For, though that restriction did not extend itself to him, yet so much did he approve the spirit and principle of it, nay so necessary did it appear to him, for his own honour, that he voluntarily came forward and complied with the clause, even before its operation commenced. And he hoped, that after so illustrious an example no man would take upon him to depreciate the good policy and justice of the restriction. This action of Lord Macartney's was in itself so noble, so disinterested, and shewed so pointedly the greatness of his sentiments, that even if his opinion of that nobleman's character were inferior to the ideas formed of it by the right honourable gentleman; nay, had he even disapproved of his general conduct in his government, yet this action alone would have been sufficient to atone for all former miscarriages, and to have entitled him to the highest glory and the most marked encomiums and applause. He had been called upon by the right honourable gentleman to declare, whether the event had justified the confident assurances that had been given by him and his friends, that his bill would be received with joy and gratitude in India? He said, that if such assurances had at any time been made, it would then become fair to expect their ratification to be fulfilled. But, in fact, nothing of that sort had dropt from him at any moment whatsoever. The bill was a restrictive bill, and, as such, no person could reasonably conclude that it would be received with any sanguine marks of approbation by those on whom its restrictions were to operate. But this last-recited instance proved, that, however inquiry and scrutiny may militate against the inclinations of the unjust and dishonourable, the man of true virtue and integrity will be always ambitious to meet them. So far, Mr. Pitt remarked, he had followed the right honourable gentleman in such parts of his speech as were entirely foreign to the subject. He should now return to passages more immediately within the compass of the question. He was glad to find that the right honourable gentleman had changed his sentiments so completely on the subject of the finances since the conclusion of the preceding session. He remembered that, then the right honourable gentleman declared it as his firm and fixed opinion, that the revenue would be found to fall short by, at least, 1,400,000*l.* either of the annual expenditure of the kingdom, or of that sum which was to leave 1,000,000*l.* surplus for the diminishing of the national debt; for which of the two, the right honourable gentleman had declared himself at a loss to determine; however in either case there must have been a considerable deficiency;

deficiency; and yet now the right honourable gentleman declared, that no person could have ever doubted but there must be some surplus. The right honourable gentleman had thought proper to observe, that there was scarcely any part of the speech worthy of consideration, and when he made mention of the increase of the revenue, he only expressed himself by the trivial term—some surplus. Absurdity must, doubtless, strongly mark the singular idea, that proposals for diminishing the burdens of the country, establishing her credit, and strengthening her resources, were subjects scarce worthy of consideration; and all this in the eye of a gentleman who had thought the leagues and views of almost every other state in Europe worthy of the attention of Parliament. The surplus of the revenue might soon appear considerable and important, and prove to the right honourable gentleman, that the contemptuous expression of which he had made use was highly inapplicable. Upon the question, through what means this surplus had accrued, and whether the honour resulting from it belonged to His Majesty's Ministers, he found himself very little inclined to enter, because it was enough for him that the surplus did exist, and the satisfaction which he felt at the comfortable prospect afforded by it to his country was sufficient to absorb and overpower every idea of a personal nature to which it possibly could give occasion. He felt it difficult to restrain his indignation, and astonishment that the right honourable gentleman should have expatiated upon a subject of such delicacy as the Irish arrangement, in so unguarded and inflammatory a manner. He must, however, notwithstanding his own disapprobation of such language, do the right honourable gentleman the justice to acknowledge, that he was convinced he must have had some public good in view in what he uttered, for he could not possibly conceive any personal motive for introducing certain topics which had been made use of; he had accordingly delivered his sentiments fully and clearly, notwithstanding the disagreeable feelings to which they must have given rise and in defiance of that sharpest of all stings, his own invective. He had in the plainest and most unequivocal manner declared, that no enemy to the British empire could possibly accomplish his malicious designs against it in so effectual a manner as by impressing the sister kingdoms with an idea that their interests were incompatible, and that the advantage of one must naturally imply the detriment of the other. He must, on the present occasion, beg leave to bring back the recollection of the House to the origin of such a doctrine, and to point out, that during the discussion of the whole of the Irish business, while he and his friends uniformly endeavoured to argue on the grounds of mutual
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and reciprocal advantage to each kingdom, they were answered from the other side of the House by arguments which had for their backs nothing else but this now reprobated idea of the incompatibility of English and Irish interests, from whence it was inferred that an arrangement to benefit one country must proportionably injure the other. The right honourable gentleman (Mr. Fox) had ventured reprehensibly far, indeed, by saying that the two countries were in a situation similar to that which precedes the commencement of war—one having made demands with which the other had refused to comply. What would the right honourable gentleman think, were two friends, proceeding to settle an account, to find themselves suddenly interrupted by some good-natured friend suggesting the danger of any proposal being made by one until there was a certainty the other would agree to it—for, in that case, exclaims the mediator, you must go to war!—Mr. Pitt concluded by remarking, that no person could have lamented more sincerely than himself over the failure of the Irish negotiation; expressing, at the same time, how fervently he had hoped that Great Britain might, upon the broad basis of mutual advantages have transmitted to the sister kingdom a full share of her commercial felicities.

Mr. Fox replied, that he felt it difficult to avoid smiling Mr. Fox. at the absurdity of the right honourable gentleman's arguments respecting the accession of Hanover to the Germanic league, as it was obvious that the Regency of Hanover ought neither to form laws nor enter into any treaties which might prove injurious to Great Britain, consequently it behoved the Ministers of this country to have prevented their entering into any alliances which might involve serious consequences to the interests of England. If Hanover, through this mistaken policy, should sustain a detriment, it naturally followed that Great Britain must become her guarantee. Such was the drift of his argument; and he only had contended that Ministers were not warranted, by any plea or pretended exigency whatsoever, to disable Great Britain from acting subsequently with the Emperor, provided that a co-operation of this nature should appear the most likely to advance the interests of the former. And, surely, the right honourable gentleman (Mr. Pitt) would not presume to run lengths to which no former Ministers had daringly proceeded, and disavow the fullest responsibility for all the counsels which he might give his royal Master in his character of Elector of Hanover. The right honourable gentleman seemed eager (Mr. Fox observed) to meet his arguments with unjustifiable misrepresentation; and therefore he must desire him to bear in mind, that when he said that *he could speak more freely concerning our particular con-*
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nections with foreign powers than if he were a Minister, he did not (in fact, he could not) mean, even in the most distant manner, to drop the slightest intimation that he was more entitled than the right honourable gentleman to utter words, including an unpardonable tendency to wound the interests of his country. The fullest scope of his allusion was, that he felt himself warranted to mention France as the natural enemy of Great Britain, in terms more open and unguarded than those consistent with the reserve which, upon principles of decent policy, a Minister either is, or ought to be, under the necessity of maintaining. The right honourable gentleman had been pleased to exercise his wonted ingenuity, by putting the case of two private men engaged upon the settlement of an account, and tracing out the supposed absurdity of contending that they ought to be excluded from all power of giving it a previous discussion. Be the absurdity what it might, he would, with cheerfulness, monopolize the whole, and still steadfastly and inviolably embrace his former argument, that in great questions requiring a settlement between two princes, two Parliaments, or two powers, considerations and objects would arise of which the discussion could never prove allowable, except under the firmest assurances that both parties were ultimately determined to receive them with unequivocal assent.

Mr. Pitt. Mr. Pitt replied, that whenever the right honourable gentleman should chuse in a proper way to take up the ground of the supposed responsibility of Ministers for the part which their Sovereign might take, respecting his territories and concerns in the Electorate of Hanover, he would meet him and investigate the subject. Nor had he contended against the responsibility, but only urged the needlessness of informing the Parliament, at the present juncture, what steps the Crown had taken with regard to the Electorate of Hanover.

Mr. Francis. Mr. Francis said, that when he came into the House, he had no thoughts of taking part in any debate which might arise upon that day: that he seldom troubled the House, and never long; that some things, which had fallen from Mr. Pitt, compelled him now to rise, and to request their attention for a few minutes. That Mr. Pitt, in speaking of our affairs in India, had given a very flattering description of them, and had advanced many favourable assertions concerning them, which he could assure the House were utterly groundless: that the reverse of every thing which Mr. Pitt had affirmed was the truth, and that he would prove it to be so from authority; which he was sure that Mr. Dundas at least, who ought to know something of the matter, would not controvert. That the House had often heard the same sort of language from Mr. Pitt: that, in former times, he might

might have been excusable in holding out hopes and promises, on which it was possible he himself might have depended; but that now, with the certain knowledge that all his professed hopes had been disappointed, and with the experience of two years before him, in which his promises had completely failed, his continuing to hold the same language was unpardonable. That Mr. Pitt had joined with the Directors in deceiving the Public, or at least had given them countenance in endeavouring to deceive. With respect to the state of the Company's finances in India, Mr. Francis said, that so far from their being in that flourishing condition represented by Mr. Pitt, they were in as great, or greater distress than ever. That at Bombay they had no revenue at all proportioned to their current expence: that the bonded debt there now amounted to 3,000,000*l.* sterling, which bore an interest of nine per cent. per ann. and was continually increasing by half-yearly conversions of the interest into capital. That he did not know what the amount of the debt at Madras might be, but he knew it was considerable, and that that presidency was sinking under its distresses. In proof of this assertion he read part of a letter from Mr. Macpherson to the Court of Directors, dated 30th of July, 1785, as follows:—"In the Carnatic your late orders had been carried into some effect; the general ruin which that country has undergone from the devastation of war, will keep your affairs in that quarter a long time in distress."

He then reminded the House of the error, of which he had already convicted the Directors in their calculation and promises exhibited to the House above two years ago. That he had convicted them of promising a surplus of above 1,500,000*l.* sterling in the Bengal revenues on the 1st of May, 1785, which they were to apply to the discharge of their debts, but which, in effect, turned out a deficiency to more than that amount; so that their estimates had imposed upon Parliament to the amount of more than 3,000,000*l.* sterling in the revenues of one year. But the language then holden in defence of that error, was, that their estimate did not include some expences which could not be foreseen; that it relied on savings, which, as it happened, could not be made in that specific year, and that it provided for all the arrears of the army, and all the outstanding charges of the war; but that in the ensuing year, no similar causes of expence would exist; that wonderful reforms would take place, and manifold savings arise out of them; that the revenues of Bengal would exhibit a surplus beyond all doubt and contradiction, sufficient to make a considerable diminution of their debt: that Mr. Pitt even now continued to hold the same sort of language, and talked of surplusses in the Indian revenues.

revenues, under the instant application of which all their debts and incumbrances would speedily be annihilated.

Mr. Francis said, he hoped that the right honourable gentleman when he talked of the actual existence of means to constitute a powerful sinking fund at home, spoke with better knowledge and information of the subject than he appeared to possess concerning the Indian revenues: that, so far from having a surplus in Bengal, even in this third year of peace, when so much oeconomy had been promised, the balance of the estimate of resources and disbursements for the year ending May 1, 1785, was against the Company to the amount of 1,200,000*l.* sterling: that their bonded debt and unsatisfied demands on the Treasury, by the last accounts, amounted to 3,000,000*l.* sterling, and that this debt was evidently in a course of increase rather than diminution, and must continue so, as long as their current expences exceeded, as they still did, their current resources. With respect to the boasted reform which had been so much and so often spoken of, he said, it had yet produced no material effect; and in support of this, read another passage from the letter from Mr. Macpherson as follows: "The great and most important work of a reform in the expences of this government, which was resolved upon, and in some degree begun before the departure of Mr. Hastings, has been carried through under every influence that I could exert, and every effort of the abilities of your present Administration. I must, at the same time, regret that the progress made in this salutary measure is not equal to my wishes, nor has it in any very alleviating degree relieved your distresses."

With respect to the late India bill, the merits and good effects of which Mr. Pitt had exalted in high terms, Mr. Francis begged leave to remind the House, that he had opposed it in every stage, without knowing or considering how it was likely to be received in India. That he had opposed it on what he thought the true principles of this constitution, because it invaded the original and unalienable rights of a considerable part of his fellow subjects, which they had not acquired by their virtues, and, if they were ever so criminal, could not forfeit by their crimes; that is, to be tried by a jury of their peers, however enormous the magnitude of their offences might be. That it was plain he acted on this principle alone, since it was well known, that his connections with the gentlemen of India were not very intimate or extensive; consequently, that there was no personal reason why he should be particularly forward in their defence. That he knew many of them to be worthy men; but, if he had thought otherwise, his conduct would have been the same. That it was very remarkable that, while he had done
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his utmost to oppose the bill, the persons who supported it most strenuously, and who in effect carried it into a law, were the friends, the relations, and the companions of those against whom the law was to operate; that it was shameful to see the same persons, who, if wealth implied guilt, were the most guilty, who had returned from India loaded with fortune, and now sat in Parliament secure against all inquiry—to see these very persons making laws to restrain and punish, with unheard-of severity, others, at least as meritorious as themselves, and certainly more innocent, that is, as far as poverty implies innocence. That the only persons upon whom the law would bear, and against whom it would operate, were those who had not acquired fortune enough to leave India before the time limited by the act for the commencement of the inquisition; whereas to all those who had already acquired fortune enough to be able to come to England before January 1787, this boasted law held out indulgence, security, and protection; that is, it deferred the exertion and application of all its rigour, until those who ought to be the objects of its severity had put themselves under shelter, and out of the reach of inquiry.—Mr. Francis said, that while the bill was depending, he had spoken of it with a detestation and abhorrence which it might not be decent to apply to an existing law: but he hoped, that before the end of the present session, he should see some attempt made to repeal this law entirely, or, if that could not be obtained, at least to repeal that part of it which invaded the rights and attacked the freedom of the nation at large: that he stood upon the *vita antiqua* of the constitution, the unalienable right of every Englishman to a trial by his peers; that Mr. Pitt had endeavoured to abolish the trial by jury in one instance, and defend it by arguments which would equally apply to other cases and other classes of men. That these were the steps by which the worst principles were gradually established, and the best political institutions sooner or later subverted. That the fact of itself was dangerous, and the doctrines by which it was supported equally weak and profligate: first, that Mr. Pitt had declared, that military men, that our soldiers and sailors, had voluntarily renounced that privilege, of which the East-India Company's servants were deprived by this law; and that at all events it was no hardship to those persons, since they were at liberty to choose whether they would continue in the Company's service or not, and had sufficient time allowed them to make their option. That, in the first place, the conclusion drawn from the state and circumstances of military men to the other members of the community was false and absurd. That if any army was admitted to be necessary, it followed that military

litary men must be governed by the strict rules of military discipline; and that as to themselves they suffered no injustice, since they previously knew what they had to trust to. But that if such a conclusion could fairly be drawn from the discipline of the army to deprive the rest of the community of their civil rights, it was a reason stronger than any we had ever had for cursing the introduction of a standing army into the constitution of this country. That it was absolutely false that an option was given to the Company's servants. The persons in question were already engaged in that service; they had served in it many years; they had acquired no fortune; their sole dependance rested on the occupation in which they were engaged, and all their prospects in life were confined to it. Was it an opinion to such persons to tell them, that if they did not accept of the terms newly imposed upon them, they were at liberty to come home? That is, if they did not submit to give up their birthright by staying in India, they might preserve their birthright by a surrender of all their claims and merits in the India-Company's service, and return to starve in England.

Mr. Francis said, that he objected to the law as subversive of the principles of the constitution, and not to be justified by any precedents opposed to principles. That he never would admit that the King, Lords, and Commons had a right to take the trial by jury out of the English constitution. That Mr. Pitt's telling the people in India what they were to expect if they continued there, was no answer to the objection. That on the same principle he might have introduced the rack and the torture, and, provided he gave them timely notice of his intention, the parties concerned would have no right to object to it; for that, if they were unwilling to submit to the rack and the torture, it depended on themselves to leave the country before the law began to operate.

Mr. Francis cautioned the persons who had the management of India affairs, to act with prudence and circumspection in the present crisis; but, that this was a subject on which he thought it right to speak with great reserve, wishing them only to remember, that Bengal was utterly unsalvageable by the power of Great Britain. He concluded with saying, that he lamented the precedent unnecessarily established by this law of depriving British subjects of the trial by jury, for many reasons: first, for the injury which it did to the community at large, as a dangerous example; secondly, for the sake of the persons immediately affected by it; and, finally, for a reason, which, though of much less importance, he confessed was particularly painful to himself, from the respect he bore to the memory of a noble relation to Mr. Pitt.

Pitt; that he was sorry to see that two ideas which he never thought could come under any possible supposition, were united, —that of the name of the right honourable gentleman, and of the destruction of the trial by jury, should belong to one another, and be delivered down to posterity together.

Mr. Dundas remarked that, feeling it his duty to rise in Mr. Dundas's vindication of the last East-India bill, he should state what most certainly was the meaning of his right honourable friend (Mr. Pitt) when he mentioned the comparative state of the finances of the East-India Company and this country. The tendency of his argument was to prove, that, considering the debt owing by the India Company, the state of her revenue being so much greater than her disbursements, she might entertain the most flattering prospect not only of paying the debt, but of acquiring great wealth; and, therefore, undoubtedly, her situation was, by a multitude of degrees, preferable to that of this country, of which the revenue, however great, could not bear any proportion in point of the prospect of getting rid of the debt it owed, which had increased in equal measure and rapidity with the diminution of its power. Whatever accounts the honourable gentleman (Mr. Francis) might have received from letter extracts, from two scraps of paper, in his mind they ought to have no weight with the House, as the one was mere matter of private opinion, and the other apparently the sentiments of persons who thought the bill would prevent them from making fortunes, in the way which had excited such a violence of complaint. As to the notice of moving for a repeal of the bill, he should at present only say, that whensoever it should be brought forward, either for a repeal of the whole, or part, he would freely deliver his sentiments, and defend the steps which his right honourable friend and he had taken; a defence capable (he had the vanity to believe) of rescuing the Company from the hurt it had received, more by the insinuations of the honourable gentleman, than from the eloquence of the right honourable member (Mr. Fox) who spoke before him. Even the most powerful display of the brilliant oratory of the latter could not operate with so deep and dangerous an impression as the dark, yet apparently ingenuous, insinuations of the former, to whom he should cheerfully pledge himself to enter, at a proper time, into a discussion of the state of the Bengal revenues, and of other points relating to the East Indies, not doubting but that he could prove the fallibility of his assertions.

Mr. Francis answered, that he was glad Mr. Dundas had promised to enter into a discussion of the revenue accounts, &c. because he concluded, from that promise, that the papers necessary for going into that discussion would not be refused when

when they should be called for; and he thanked Mr. Dundas for giving him that satisfaction.

Mr. Dundas rose, and declared, that he must refuse those thanks; nor would he promise to produce papers until he knew the object.

Mr. Francis said, there could be but one paper immediately in question, viz. the estimate of resources and disbursements for the year ending the 1st of May, 1786.

Major Scott observed, that far from admitting the justice of the colouring of an honourable member (Mr. Francis) when he painted the *supposed* deplorable situation of Asiatic affairs, he was totally of a different opinion, and could not conceive why he or any other gentleman should attempt to inculcate principles destitute of any foundation. But, the honourable gentleman was resolved to seize on every opportunity of throwing an odium on the present system; and despised all ideas of impartiality, provided that he succeeded in his favourite object. He likewise had received letters from India, which militated very much against the honourable gentleman's assertions; and as he flattered himself they were founded in truth and equal respectability, he was of opinion, that his information would totally subvert that of the honourable gentleman. With respect to the account which Lord Macartney had given in, concerning his fortune acquired in India, it comprehended only an estimate of the riches which he had acquired for these last two years, and not during the whole period of his absence from Europe.—He did not, by any means, wish to detract from his Lordship's well-known principles of justice and integrity, but he apprehended that it was an observation worthy of notice.—With regard to Mr. Hastings, he was ready at any time to give the House or nation ample satisfaction relative to the riches which he had accumulated in India. All this had he long since offered; and the Directors well knew that his fortune was inconsiderable. Like others, he only wished to have the account voluntary and not compulsive. When a candid investigation took place, he was fully persuaded that many gentlemen who had been particularly active in their condemnation of this great character would alter their opinions, and blush over the violence of their rancour and their prejudice.

Mr. Martin, desiring permission to trespass for a few moments, upon the patience of the House, said that he flattered himself that his request would not be rejected, as it was well known how seldom he deviated from an habitual silence. He lamented, that there was on the opposite side of the House a spirit of illiberal opposition to the present government, whose exertions certainly deserved more indulgence and candour. But he applauded that spirit of national economy which

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those gentlemen professed; and, proceeding on this idea, he must express his sorrow for the charge of profusion which had been brought against the right honourable gentleman (Mr. Pitt), whose patriotism and integrity deserved, and ought to gain, the tribute of unanimous approbation. As this was an accusation of a serious nature, and contrary to the right honourable gentleman's acknowledged principles of integrity, he confessed, that it would give him and the House considerable satisfaction if his right honourable friend would enter into an explanation of the reason for allowing a salary to a Spanish Ambassador, who had not performed any of the duties incumbent upon him, and who had not so much as resided in the country for which he was appointed. With regard to India, he wished that such an asylum had never been thrown open to adventurers; but, if gentlemen were resolved to go thither, in his opinion it followed, that their claim to the protection of a British legislation should die away, and heartily did he wish that they never might revisit their native country.

Mr. Pitt replied, that he considered it as barely an act of Mr. Pitt. justice to shew the most respectful attention to any member, virtuous and independent like the honourable gentleman who spoke last. Anxious to deserve his good opinion, he should truly answer, that with regard to allowing a salary to an Ambassador for the court of Spain, it had been agreed to from a principle of policy; because at the time when the noble Earl (of Chesterfield) was appointed, an Ambassador was expected from thence to this Court. The noble Earl who had accepted the appointment, certainly, from his knowledge and ability, had every claim to such a distinction. He now, however, rose to inform the House and his honourable friend, that His Majesty, after considering the circumstance alluded to, had been graciously pleased to approve of his Lordship's conduct; but, at the same time, to order his immediate return to this country. This communication he hoped would satisfy the House, and convince every unprejudiced mind, that His Majesty's Ministers were resolved to adopt the most rigorous plans of œconomy. He trusted that this explanation would remove all exceptions; and convince all disposed to look on ministerial measures with an eye of candour, that œconomy was still their favourite object.

Mr. Burke now entering the House,

Major Scott begged leave to remind a right honourable gentleman, whom he, at length, saw in his place, that, at the conclusion of the preceding session, he had pledged himself to bring forward a motion in the course of the present, respecting a gentleman but lately returned from Bengal (Mr. Hastings.) He should now take the liberty to bring the circum-

dance to the recollection of the right honourable gentleman, and to request that he would have the candour and fairness to say when he meant to proceed, if he did mean to proceed at all; that he embraced this first opportunity to call upon him, and trusted that, if he had any thing to offer respecting the conduct of Mr. Hastings, he would submit it to the House with all possible expedition.

Mr. Fox. Mr. Fox replied, if his right honourable friend designed, (but this he did not believe) so far to neglect his duty, as to forget to fulfil his promise, the honourable gentleman might rest assured, that other members would make the point an object of investigation.

Mr. Burke. Mr. Burke said, that he should answer the honourable gentleman with a short anecdote of Henry the Fourth and the Duke of Parma, who came from Amiens to fight him at Paris, when the former urging him to meet him on a certain day, the Duke replied, that he had not travelled so far as from Amiens to Paris, to learn from his enemy the properest time and place for meeting him in a duel.

The question was now put on the amendment, and negatived; after which the resolution was read and agreed to; and, next referred to a Committee, who formed it into an address, to be, on the morrow, reported and read a first and second time.

Wednesday, 25th January.

Mr. Smyth brought up the Report of the Committee, to whom the resolution agreed to by the House on Tuesday was referred, for the purpose of forming it into an address, in answer to His Majesty's most gracious speech from the throne, and the same having been read a first time,

The Earl of Surrey. The Earl of Surrey expressed his wishes for an elucidation of a particular passage in the speech from the Throne, in which the Commons being addressed, mention was made of some little addition to the public burdens. If by this was meant merely the modification of such taxes as experience had proved to require some little alteration in the mode of imposition, he should have no objection; but if it was to be understood from it that new and additional taxes were proposed to be laid on the subject, he should in that case strenuously object to it; and, under this idea, he judged it candid to deliver his opinion at an early period, and the rather, because the words had not merely excited an alarm, but affected the public funds with some degree of detriment.

Mr. Fox. Mr. Fox said that, as the observations which he should beg leave to make, bore an affinity to his remarks, on the preceding day, they would lie all within a narrow compass. Recent in the memory of the House were his two

questions to a right honourable gentleman, (Mr. Pitt). To one of these he had given a precise and clear answer; to the other he had not spoken in terms equally unambiguous; and as that was a question of infinite importance to the interests of the country, it was his duty to endeavour, if possible, to obtain such an answer as should remove all doubt and difficulty: What he alluded to was, the particular degree in which Ministers held Great Britain to be committed, as to any future consequences that might arise from the effect of the league entered into by the Elector of Hanover with the Elector of Saxony, the King of Prussia and other Germanic Princes: He was aware, that the right honourable gentleman at the head of His Majesty's councils had disclaimed all responsibility for the wisdom and policy of the measure, had stated it to be a separate and distinct transaction from any British concern, and had declared that Great Britain was not committed as to her future conduct, should the league be productive of disturbances in the empire, in which her interests might call her into action. . . If this was really and truly the case, and Great Britain was not effected at all by the league, the more clearly it was known in that House, to the Public, and to all Europe, the better; because however well we understood the distinction between Great Britain and the Electorate of Hanover, as separate States, it was not a very easy matter to teach foreign powers to understand the same discrimination. A variety of possible cases existed in which it would be almost out of the power of this country to adhere to any such distinction in practice, however clearly it might be defined in theory. It might, hereafter, happen that circumstances would make it an essential policy in Great Britain to join the Court of Vienna, and to proceed in counteraction of the league. In that case, as all treaties were offensive in their effect, though nominally defensive, a war between the parties to the league and its opponents might probably arise. Granting the likelihood of such a war, could the British troops act against those of Hanover? Or, to make the case stronger, and yet to put a *possible* case, suppose the Elector of Hanover were to head his troops in person, (and they were all aware that it was not a new thing for an Elector of Hanover to take the command in the field) who would say that the British army could be directed to act hostily against troops led by their Sovereign in the character of Elector of Hanover? The supposition seemed with the most gross absurdity, and it was to shew the extraordinary predicament into which the Elector of Hanover's becoming a party to a league of the nature in question, and without the advice of a Minister responsible for his conduct to that House, might draw Great Britain, and involve

its interests, that he brought forward such unaccountable cases. One historical example would strengthen the argument which he had used, and prove beyond all doubt the mischiefs to which this country was liable to become exposed, by considering herself as wholly independent of the interests of Hanover. The case to which he alluded, was that of George the First, who, by his treaty with Denmark for the sale of Bremen and Verden, drew down upon him the vengeance of Sweden; and the consequence was, this country had been threatened with an invasion, the most alarming, and the most dangerous to the liberties of Englishmen of any it ever had occasion to expect. General Stanhope, at that time the Minister of the Crown, had, when the treaty was first heard of, come down to that House, and used precisely the same sort of language as that uttered by the right honourable gentleman, (Mr. Pitt) on the preceding day. He had talked of the separate and distinct interests of Great Britain and Hanover, and had said that the British Parliament had nothing to do with the conduct of His Majesty respecting his Electoral dominions; but what was the consequence? The very next year, General Stanhope, who held this language, came down to the House, and urged the expences which His Majesty had incurred on account of his purchase as a plea for calling for additional supplies. If the matter were not now fully and clearly ascertained, so that foreign powers, as well as that House, might be certain that Great Britain was not committed as to any part which her policy might dictate to her as most advisable to pursue hereafter, in the case of a war in Germany, the right honourable gentleman, who had on the foregoing day disclaimed all responsibility for the wisdom and policy of the measure in question, might come down to the House, on a subsequent occasion, and make that very measure, respecting which the British Parliament was excluded from all inquiry and control, the ground of an application for additional supplies. Mr. Fox concluded, by observing, that he never spoke concerning a point of state with less reluctance, persuaded that, on the present occasion, he neither divulged a secret, nor gave the slightest wound to the security and interests of the nation.

Mr. Pitt.

Mr. Pitt replied, that if he felt astonishment, on the preceding day, in discovering that the right honourable gentleman had used no arguments which he could have wished to coincide with, he was now overwhelmed by surprise to find his reasoning still more unworthy of an imitation. The right honourable gentleman had himself admitted that there were subjects on which His Majesty's Ministers could not with propriety be so explicit as indifferent members of the House. For his part, he conceived that, although a cautious delicacy

in speaking on the subjects of foreign politics was one part of the duty of His Majesty's Ministers, yet it was a duty which also belonged to every member of Parliament, nay, to every good citizen; however in each it might differ in degree, its nature was the same in all.—It was, notwithstanding, as he apprehended, peculiarly improper for a gentleman, who had possessed a high official situation, and by whom the foreign concerns of this country had been administered—a gentleman who had generally affected to hold himself out as a person of singular weight and authority, to indulge in such a latitude. In the debate of the preceding day the right honourable gentleman had gone, in his opinion, to most improper lengths; but on this day he had discovered, (he supposed from better judgement, and from more mature reflection, perhaps, from *diplomatic* information) that he had not gone far enough, and had therefore resumed the subject, in order, that as he had before displayed his ingenuity and acuteness, he might now prove equally distinguished for his information and his judgement. He had accordingly methodized his argument, and had brought it to a specific and certain point. He had first laid it down that it would be a prejudice to this country, should the Princes of Europe consider her as bound by the treaty to which Hanover had acceded, and yet he had exercised the whole strength of his abilities to perplex the argument, and to prove that she was in fact thus absolutely bound. How he could justify his intentions in this acknowledgment, and in this endeavour, he could not foresee; for, surely if it were, indeed, prejudicial to this country, that it should be understood she was concluded by the act of the Ministry of Hanover, that very circumstance ought to be a sufficient reason for every friend to Great Britain to endeavour, as much as possible, to enforce and uphold the doctrine; that she was not so concluded. It was difficult to reconcile the caution of the right honourable gentleman to prevent this country being on any occasion embroiled for Hanover, with his attempt to make the Ministers of Great Britain responsible for the Government and politics of that country. If that were done, it would become a limb and member of the British empire, and as such would be entitled to demand protection. Should the Ministers of England interfere to prevent those of Hanover from forming such alliances and confederacies as they saw necessary for her safety, would they not have every right to demand, in case of future wars or dangers, the assistance of that country who had prevented them from arming themselves with allies and with friends, and would not this country be bound to assist them with, and even to the effusion of, the last drop? and what *could be more ridiculous than the idea of the right honourable* gentle-

gentleman, that the method of securing the friendship of the Imperial court, was by putting ourselves into the necessity of interfering in German politics, and abandoning that option of neutrality, which, standing as we do now, detached from the government of Hanover, it was in our power to make?—Mr. Pitt closed his remarks by declaring, that he had now discussed the subject as far as he felt himself warranted to examine it upon public ground; that perhaps, even a greater degree of reserve would have become him better; and that, here, he dropped the point, resolved no more to suffer the right honourable gentleman to bring him to its investigation.

Mr. Fox.

Mr. Fox reprobated (what he described as) the uncandid misrepresentation which the right honourable gentleman had put upon his arguments, striving to prove (what did not exist) his deviation from the character of a good citizen. Did the right honourable gentleman imagine, that the facts upon which he had reasoned were any secret, or that any of the European powers needed to send here for information respecting their nature? The contrary was notoriously true; the circumstances to which he alluded in argument were well known. Let the right honourable gentleman recollect the style of the different letters sent from the Courts of London, Versailles, and Petersburg, to the King of Prussia, on the subject of the league, stating that the Court of Versailles had sent a letter, couched in terms of civility, and implying something like an approbation of the league, and that the Court of Petersburg had sent one, full of civility, but expressing extreme regret that any such league had been entered into in consequence of groundless doubts and ill-founded jealousies. Into how strange a situation must Great Britain fall, should a war in Germany be the consequence, and should she find it her interest to connect herself with the two imperial courts. Could she, with any decency, charge the Elector of Hanover with having joined in a league formed upon groundless doubts and ill-founded jealousies? The right honourable gentleman was pleased to indulge his talent for ridicule, upon the supposition that he had since the preceding day enjoyed the advantage of a *diplomatique* information. He knew the respectable character to whom the expression alluded; and although he was not so young as the right honourable gentleman, he did not consider it as disgraceful to seek for instruction, nor was it congenial with his nature to hold himself up as a man superior to those with whom he acted, however such extremes of vanity might actuate persons of a certain temper. Let such, however, steer at a proper distance from the ridiculous and dangerous supposition that they could deceive the bulk of individuals; nor venture to imagine that, although daring to lull the manufacturers of Great Britain into the

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the false conclusion that the Irish propositions were not hostile to their interests, and to palm upon the sister kingdom the same scandalous idea, they might with impunity deceive all men by what they said; or, because they had confidently presumed to persuade the manufacturers of this country, that the Irish propositions contained nothing detrimental to their interests, and to tell the people of Ireland that—

Mr. Fox was called to order by the Chair, the Irish propositions not being under consideration.

Mr. Pitt now, exclaimed: "Go on!" Mr. Fox replied, "No; we shall both have opportunities enow to discuss the subject in the course of the session." After this, bowing to the Chair, he sat down, and closed his speech.

When that part of the address was read which related to the resolutions to be made the basis of an adjustment of the commercial intercourse between Great Britain and Ireland,

Mr. *Sheridan* observed, that he had felt no little curiosity on the foregoing day, to know the nature of the reply which the Minister designed to make to the inquiries of his right honourable friend concerning the Irish propositions; and whether it was his intention to bring them forward by a motion. The right honourable gentleman, although entrusted to prepare the bill brought in upon the twenty resolutions, did in that very bill totally depart from the resolutions as they had been voted. This was a gross insult to the House, and as strong a breach of faith with Parliament, as an individual could possibly commit. He was indeed, aware that the right honourable gentleman had moved merely "that leave be given to bring in a bill upon the subject of the resolutions," and not that "the resolutions be put into the shape and form of a bill;" but still the meaning of that House clearly was, that the whole of the resolutions should be strictly adhered to in the bill. He would not, now, take up the time of the House, by going at large into proofs of his accusation; but he would remind them of one striking circumstance, and that would sufficiently shew that he was founded in his charge. The right honourable gentleman (they must all recollect) had repeatedly blamed his right honourable friend for making his grants in favour of Ireland matters of perpetual option, and had contended, that it was necessary to enter into a treaty with Ireland, that should be final and conclusive; hence his constant argument in defence of the propositions had been, that *they* were to be final and conclusive. Under that idea, he believed it would be generally agreed, that the majority of that House had voted for the propositions. What then were they to think of the conduct of the right honourable gentleman, when, upon examining *his bill they should find, that so materially had he departed from*

from the spirit of the propositions, that, instead of the condition of the bill being final and conclusive, it left the point open, and a matter of perpetual option. What miserable changes had not that business perpetually experienced! Mr. Pitt's bill was different from the twenty resolutions, and Mr. Orde's bill again had been different from Mr. Pitt's. In corroboration of the assertion that the bill of Mr. Orde differed materially from Mr. Pitt's bill, he might quote the Irish debates which had been reported with singular accuracy, but he would cite an authority not to be questioned—the printed letter of the Secretary of State for Ireland to his constituents. He then read a passage to the House from the forty-second page of the Secretary of State's letter. Before he dropped the subject of the propositions, Mr. Sheridan compared them to buildings much too visible in many parts of the kingdom, and called Mr. Such-a-ones folly, for the absurdity of their architecture and a multitude of inconveniences which render it almost impossible that they should continue long inhabited.

Attorney
General.

The *Attorney General* replied to Mr. Sheridan, and read the following paragraph from the address of both Houses of Parliament during the last session, to prove that he was mistaken:

“We therefore deem it indispensable that these points should be secured, as conditions necessary to the existence and duration of the agreement between the two countries. They can only be carried into effect by laws to be passed in the Parliament of Ireland, which is alone competent to bind Your Majesty's subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own.”

Mr. Sheri-
dan.

Mr. *Sheridan* replied, and persisted in making a positive and peremptory charge against the Chancellor of the Exchequer, of having brought in a bill materially different from the resolution on which the House had expressed it to be founded.

The House then adjourned.

Thursday, 26th January.

The Earl of Courtown reported to the House, that His Majesty, having been waited upon (pursuant to the order of yesterday) humbly to know His Majesty's pleasure when he would be pleased to be attended by this House, had been pleased to appoint this day, at three of the clock, at his Palace of Saint James.

The order of the day being read, the House proceeded to take into consideration His Majesty's most gracious speech to both Houses of Parliament.

And the same was again read by Mr. Speaker.

Mr. Rose

Mr. Rose having made a motion, that a supply be granted to His Majesty; it was resolved, that the House should, on the morrow morning, resolve itself into a Committee of the whole House, to consider of that motion. The House having adjourned, afterwards, went to Saint James's with the following address:

The humble address of the House of Commons to the King.

“ Most Gracious Sovereign,

“ We, Your Majesty's most dutiful and loyal subjects the Commons of Great Britain, in Parliament assembled, beg leave to return Your Majesty our humble thanks, for your most gracious speech from the Throne.

“ We learn, with great satisfaction, that the disputes which appeared to threaten an interruption to the tranquillity of Europe have been brought to an amicable conclusion, and that Your Majesty continues to receive from foreign powers the strongest assurances of their friendly disposition towards this country.

“ We are deeply sensible of the blessings which we experience from the enjoyment of peace, in the extension of trade, the improvement of the revenue, and the increase of the public credit of the nation: and Your Majesty may rely on the utmost exertion of our zeal and industry for the farther advancement of these important objects.

“ In order to promote, as far as in us lay, the common interests of all Your Majesty's subjects, we humbly laid before Your Majesty, in the last session of Parliament, several resolutions, as the basis of an adjustment of the commercial intercourse between Great Britain and Ireland; but, as no effectual step has been hitherto taken thereupon by the Parliament of that kingdom, we do not find ourselves at present enabled to make any farther progress in that salutary work.

“ We cannot refrain from offering the warmest expressions of our gratitude for Your Majesty's gracious assurances of your earnest wish to enforce œconomy in every department: we shall be equally ready, at all times, to make such provision as may be necessary for every branch of the public service, particularly for maintaining the naval strength of these kingdoms on the most secure and respectable footing. Fully impressed with the necessity of establishing a fixed plan for the reduction of the national debt, we shall lose no time in entering on that important consideration; and it will afford us the most solid satisfaction to find that this most desirable object may be attained with little addition to the public burdens.

“ The vigour and resources so happily manifested in our present situation must give encouragement and confidence to all
Your

Your Majesty's subjects, and cannot fail to animate our exertions in endeavouring, by a continued attention to the security of the revenue, and the extension of trade, to confirm and improve the increasing prosperity of the empire.

Friday, 28th. January.

The Speaker, as soon as he had taken the chair, rose up and reported His Majesty's answer to the address of that House of Tuesday last, which was as follows:

" Gentlemen,

" I thank you for this very loyal address. I receive with great satisfaction the assurances of your disposition to enter with zeal and industry into the consideration of those important and salutary objects which I have recommended to your attention."

Mr. Rolé. The House resolved itself into a Committee of the whole House.

Mr. Rolé moved, that His Majesty's speech be read, which was read accordingly; and then he moved, that a supply be granted to His Majesty, which being put and carried, the Chairman left the chair and reported the same.

Sir Watkin Lewis. Mr. Sheriff Saunderson, attending at the door, he was ordered to the bar, where he presented a petition from the Lord Mayor, Aldermen and Common Council of the city of London, praying a repeal of the shop tax. It was ordered to be laid on the table.

Sir Watkin Lewis signified his intentions of embracing the earliest opportunity to move for leave to bring in a bill to repeal the act passed in the last session of Parliament, for laying a duty upon shops. He trusted that an occasion would present itself soon after the delivery of petitions upon the subject; and when he could foresee it to a certainty, he would give a week's notice of his design.

Mr. Jenkinson. Mr. Jenkinson, begged leave to remind the House of the necessity of embracing some immediate measures, as a farther relief to Newfoundland. The wisdom of the legislature limited, in the course of the last year, the duration of the Bill which allowed bread, flour, biscuit, &c. to be exported from the United States of America to Newfoundland during twelve months, which term being nearly expired, His Majesty's Ministers meant to adopt a similar bill for two years longer, by which time Newfoundland would probably, become fully supplied, and render farther aid from that quarter needless.

Mr. M. A. Taylor. Mr. M. A. Taylor observed, that although the bill would particularly affect his constituents (the merchants of Poole).

yet he was so convinced of the necessity of the measure, that he should give it no opposition.

The *Speaker* having reminded Mr. Jenkinson, that the regular way was to let the bill originate in a Committee, the House resolved itself into a Committee, Mr. Gilbert in the chair.

Mr. *Jenkinson* then moved for leave to bring in a bill to ^{Mr. Jen-}allow the importation of bread, flour, biscuit, &c. from the ^{kinson.} United States of America into Newfoundland; which being agreed to, the Committee broke up, and Mr. Gilbert reported the same to the House.

Adjourned, until

Tuesday, 31st January.

The Honourable *Charles Marsham* moved for leave to bring ^{Honourabl} in "a bill for amending and reducing all the laws relative ^{Charles} to the militia of that part of Great Britain called Eng- ^{Marsham.} land, into one act of Parliament;" and begged permission briefly to explain the motives which induced him to solicit the attention of the House to points of such particular importance. He flattered himself that it was scarcely necessary to declare how much he deemed the militia the natural and most constitutional defence of the kingdom. A friend to it in the strictest sense of the expression, he wished to find it equally the favourite of the whole House, and was persuaded that nothing could prove so prejudicial to the service as treating it with indifference. A set of gentlemen, who, like himself, had served in the militia, and were persuaded of its great consequence, had, with him, directed their attention closely to the subject, and exerted their endeavours towards discovering the best possible means of preserving it upon a respectable and useful footing; and with such views, and under such circumstances, should he bring forward the motion of which he had already given notice. On this occasion, candour obliged him to declare, that he did not believe it possible to find any Minister who would receive a proposal for improving the situation in which the militia stood, in a more fair, open, and proper manner, than the right honourable gentleman, who presided over the Administration of the national affairs. This was the genuine sentiment of his heart, or he would not have uttered it; and no man, he flattered himself, could charge him with having pursued a conduct in that House, upon any one occasion whatsoever, that was not direct and sincere. Gentlemen would please to recollect the origin of the militia, the manner in which its services were received, not only at the end of the war before the last, but at the conclusion of the last war; and he would leave it to them to draw the in-

ferences from the facts which he should state, and submit it to their consideration, whether it was not absolutely necessary, that some measures should be immediately taken respecting the militia, unless it was meant that the use and advantage of having such a constitutional defence should be entirely done away. In the year 1756 or 1757, when the war before the last broke out, a body of Hanoverians and Hessians were brought into this kingdom for its internal security. This introduction, at once impolitic and unconstitutional, occasioned some disturbance; Englishmen revolted at the unmerited idea of their not being capable of defending themselves and their country, and the militia began to be set on foot. So agreeable did the circumstance prove to that House, and so well did they think of the plan, when reduced to practice, that in the course of one and the same session they recognized, countenanced, and established the scheme into a national measure; and such were the benefits which the country derived from the militia, that, at the conclusion of the war, the officers who had served in it received the especial thanks of His Majesty, and of that House. What rendered the thanks of the House of Commons doubly dear to the officers was, that these were voted at the very same moment when an address to the King, thanking His Majesty for having put an end to the calamities of war was voted. This was, to his knowledge, a matter extremely pleasing to all who had served in it; and as a proof that it was so considered, he begged leave to state that the colonel of the corps in which he had since had the honour to serve (the Kentish militia) ordered a copy of the vote of thanks of the House of Commons to be made out and sent to each individual officer, that he might take it home with him, when the militia was disbanded, and preserve it as an honourable testimonial of the sense which the representatives of the people entertained of the service he had done his country. After the peace of Paris, the militia was called out, embodied, and trained, once a year; a circumstance from which the kingdom had derived essential advantage, as the House would see upon reverting to facts within all their knowledge. At the commencement of the session, during which hostilities between Great Britain and France took place, His Majesty, in his speech from the Throne, assured them that he had received the most pacific assurances from all the European powers, and yet, in the month of March of the same session, news arrived of the French having concluded a treaty of amity and commerce with the United States of America, then at war with us, and an authentic paper upon the subject was laid before both Houses of Parliament. The militia were, in consequence, called out; and it was remarkable that a militia camp was formed as early, that year, as in any one year during the war. The practice

practicability of this could only be imputed to the discipline and the habits of duty, in which the militia was kept from being so constantly trained and exercised. How different had been the conduct of Government at the end of the last war? He had predicted what would follow; nor had he the good fortune to find himself (as, upon this occasion he could have wished to prove) a false prophet. Notwithstanding that the militia acted as well during the last war as during the war preceeding it; and, although many gentlemen had dedicated their whole attention to the service, it was not thought that the militia deserved thanks for their accomplishment of their duty. He meant not to give offence; and, perhaps, he had used too harsh an expression; but the fact was, that no thanks were given to the militia by the Crown, no thanks had been voted by that House, and for three years together the militia had never been even once called out. The consequence was, that gentlemen grew indifferent to the service, and were disgusted at the neglect with which it had been treated. He begged leave to assure the House that, making this remark, he did not intend to cast the least reflection on any set of men in particular; but the fact stood as he had stated it; and it was with a view to preserve the militia from being lost altogether, that he had given himself the trouble to turn his thoughts to the subject. He would take up no more of the time of the House, than shortly to mention some of the views with which the bill, he should move for leave to bring in, had been prepared. The gentlemen, who assisted him, were unanimously of opinion that one mode was, to reduce all the various laws into one, and that another material object of it was, to change the time of the duration of the service, and to alter it from three years to five. Three objections were generally made to the militia. One, the great expence to the kingdom: another, the prejudice it did to the recruiting service of the army; and a third, the heavy burden which it entailed upon the country. The alteration which he had stated met all these three objections; because, if the men were drawn for five years instead of three, and their cloathing so regulated, it would not only put the kingdom to an expence considerably short of what it had hitherto cost; but, also prove infinitely less prejudicial to the recruiting service, inasmuch as fresh men for the militia would not so soon be wanted as before; and lastly, as substitutes were only to be provided once in five years instead of three, the individuals drawn, and consequently the country in general, would not experience burdens of such enormous weight. Another alteration proposed by the bill, was reducing the number of serjeants and drums, by having

in future only two drums for the flank companies, and only one for those of the battalion instead of the present number.

Having added, that, as a similar reduction of serjeants would, if introduced, occasion no inconsiderable retrenchment in the national expenditure, Mr. Marsham closed his remarks by moving, "For leave to bring in a bill for amending "and reducing into one act all the militia laws in that part of Great Britain called England."

Mr. *Pye* seconded the motion.

Mr. *Pitt*.

Mr. *Pitt* observed that, upon the present occasion, when the majority of the House were, doubtless, ready to meet the motion of the honourable gentleman with their concurrence, little remained for him but to express his satisfaction at perceiving a most important subject so properly brought under their consideration. The interval of peace was, undoubtedly, the fittest moment possible for them to unite in endeavouring to put the great and most constitutional defence of the kingdom upon a respectable and useful footing; and much as he professed himself to be the friend of œconomy in that, as in every other branch of the public service, from a conviction of its extreme and indispensable necessity, he was not so much the slave of his opinion as to wish to carry his efforts to introduce a rigid and universal adherence to œconomy so far, as by any means to lessen the advantages which the country had ever felt, and he hoped ever would feel, from the establishment of a well-disciplined and effectual militia. How far the means suggested by the honourable gentleman for attaining a purpose equally desirable to him, and, he trusted, to all who heard him, might be thought the best means possible to be adopted, was a matter for future consideration, and would regularly fall under discussion when the bill should come before them, and its contents be specified. If it should appear possible to preserve the militia on a respectable footing without putting the public to the heavy expence attendant on calling that force out every year, he owned, he should be glad to adopt such means as might be suggested for that purpose. Waiting for the pleasure of hearing some future, ample, judicious and impartial investigation of the subject; he should, now, content himself with desiring that honourable mover, and those gentlemen who had enjoyed the happiness of assisting him in tracing out and bringing into one point of view the most salutary amendments for laws which, by the magnitude of their constitutional importance, demanded the attention of every member of the legislature in particular, and of every friend to his country in general, would accept of *his sincerest* and most warm acknowledgements.

Mr. *Mar-*

Mr. *Marshall* begged leave once more to intrude himself upon the patience of the House, merely to observe, that the calling out the militia regularly every year was, in his opinion, so indispensably necessary to the preservation of that force on a respectable and useful footing, that if the right honorable gentleman, (Mr. Pitt) had determined to oppose it, he should scarcely think it worth his while to bring the subject forward to the investigation of the House. Every person present, who had served in the militia, must certainly feel the most irresistible conviction, that nothing could tend so much towards making the militia capable of entering, at a moment's notice, into action, as the accustoming the men to be trained and exercised once a year, and if they were not called out, but upon the spur of the occasion, it would become almost an absurdity to expect any great benefit from their military operations, should either invasions, or any other circumstances require their presence in the field.

The Speaker having put the question, the House gave it their unanimous concurrence, and then adjourned.

Wednesday, February 20.

The Earl of *Courtown* acquainted the House that His Majesty had been waited upon with their address of Tuesday last, and that His Majesty had been graciously pleased to say, he would give directions accordingly. The Earl of Courtown

Mr. *Pitt* gave notice, that he should very shortly bring forward the state of the revenue, and that preparatory to that purpose, he must move for several papers. He moved, accordingly, for

"An account of the quantity of rum imported into North

"America for six years previous to the year 1784."

"An account of the quantity of rum imported into England for the last ten years." Also the same account of rum imported into Scotland."

"Three accounts of Exchequer bills."

"An account of the sums of money arising from duties on houses paid over."

"An account of the total of all sums of money assessed on houses, carriages, and servants."

"An account of the total of all sums imposed in 1785, and which have been paid into the Exchequer."

"An account of the amount of money on carriages and male servants under the direction of the Commissioners of Excise."

"An account of all sums arising from the duties on waggon and other carriages."

"An account of all duties on carriages and male servants paid by the Commissioners of excise."

"An

“ An account of all sums due from the East-India Company, previous to the year 1785.”
 “ An account of all sums arising from the land and malt for the last ten years.” And also,
 “ An account of the public debt.”
 The House adjourned.

Thursday, 2d February.

Sir George Yonge. Sir George Yonge, as Secretary of war, presented the army estimates, and begged leave to apprise the House of his intention to move for referring them to the consideration of a Committee of Supply on the ensuing Wednesday.

The Speaker. The *Speaker* desired to bring back to the recollection of the House the custom of suffering the army estimates to remain, during the space of a week, upon the table, for the information of the members, previous to their being taken into consideration. Although, consistently with his duty, he mentioned this circumstance, respect for the House obliged him to observe, that either the adoption or the rejection of the mode lay in their own breasts.

The Earl of Surrey. The Earl of *Surrey* expressed his wishes that, as no particular business stood for Wednesday, the House would take that day, and that all the public affairs and political concerns might be brought on early, and not (as too frequently had proved the case) defer it until an extremely advanced period of the session.

The notice was taken for Wednesday.

Mr. Cruger presented a petition from the shopkeepers of Bristol, praying a repeal of the act, imposing a tax on retail shopkeepers.

The petition was read at the table.

Mr. Cruger. Mr. *Cruger* remarked, that such of his constituents whose signatures were at the bottom of the petition complained of the tax as partial, oppressive, and consequently unjust. But, he did not entertain a doubt that they would submit to it without a murmur, were it altered to a general tax upon all housekeepers.

The petition was, upon motion, ordered to lie on the table.

Mr. Rolle. Mr. *Rolle* requested the Chancellor of the Exchequer (Mr. Pitt) to bring forward some measure, in the course of the session, relative to the sale of waste lands. An answer in the negative (Mr. Rolle added) would confirm him in his yet wavering resolution shortly to trouble the House with a motion upon the subject.

Mr. Pitt. Mr. *Pitt* replied that, in all likelihood, the present session would not close without an investigation of many interesting particulars relative to the waste lands.

Mr. Rolle

Mr. Rolle said, that he could wish the right honourable Mr. Rolle, gentleman would please to favour him with a more decisive answer.

Mr. Pitt remaining silent, the Speaker put the question, and the House adjourned.

Friday, 3d February.

No debate.

Monday, 6th February.

Petitions against the shop tax were presented to the House from the tradesmen, inhabitants of Middlesex, Westminster, Southwark, the city of London, and the towns of Birmingham, Leeds, and Cirencester, which, after they were read by the clerk, were ordered to lie on the table.

Lord Hood having presented a petition from the shopkeepers Lord Hood, of Westminster, it was read at the table; and, immediately afterwards,

Mr. Fox expressed his wishes, that such a number of petitions, from the most respectable multitudes, amidst the great constituent body of the people, might excite the attention of their representatives, and induce them to meet such powerfully-enforced requests with unreserved compliance. He did not then see the worthy Alderman in the house who had pledged himself to make a motion on the subject, and therefore he would not say more respecting it for the present, except to intimate, that as the petition presented by his noble colleague had received the signature of more than 4000 persons, all of whom were, to his knowledge, real shopkeepers; this striking circumstance must unavoidably convince the House that, whatever differences of opinion there might have prevailed in Westminster, with respect to politics, the complaints against the shop tax were not the partial, but the general voice of the whole mass of the electors.

Mr. Thornton now delivering the Southwark petition, observed that it bore equal marks of unanimity with that from Westminster, being signed by 1300 shopkeepers; a proportion of nearly three parts of his constituents.

No sooner had the Speaker put the question, "That the petition should lie on the table," than

The Earl of Surrey rose, and said he hoped that the honourable member who gave notice of his intention to move for leave to bring in a bill for the repeal of the shop tax, would fix on an early day for that purpose, or that, if this were not the case, Government would follow up the business to an effectual and serviceable length. A tax on shops had been imposed on the subject by the authority of Parliament; yet, far from having been collected, stood at this day a disgraceful

ful proof of the inefficiency of Administration. Government ought, therefore, to propose such regulations as should enforce the collection of the tax, or to repeal it. On the present occasion, he could not sit down without remarking, as a singular circumstance, that since the commencement of the session the House had met generally about three, and the Minister came down to move the question of adjournment at about twenty minutes before four o'clock; a most improper mode of conducting the national concerns, which, from their nature, required that more should have been brought forward for the consideration of that House, than hitherto became submitted to their discussion. For his own part, he intended to have addressed his observations to the right honourable gentleman at the head of His Majesty's councils, had he been present, and he hoped that some of those who were immediately connected with him, would inform him of what had been thrown out, as in all probability the question of adjournment would that day be moved, and carried, before the appearance of the right honourable gentleman in his place.

Mr. Rose.

Mr. Rose replied, that whatever Government might think it advisable to do, with regard to either the shop tax, or any other measure of public concern, it would be a fitter subject for discussion when his right honourable friend was present, and he could assure the noble Lord that he might expect his entrance every moment. With regard to the public business being delayed, there was not the smallest foundation for the complaint. The supplies of the year had been brought forward in regular gradations as early as during the preceding session of Parliament; nor could one be instanced, considering the period of time since the House met, in which the public business was more accelerated and attended in its progress. As to what the noble Lord had been pleased to say in respect to the shop tax not being collected, as far as facts had reached his knowledge, the contrary was the fact. Regular assessments, as in the case of every other tax, had been made, and he had not heard of any obstruction to the collection. And all this (he must beg leave to assert) was a proof of the present fallibility of the arguments of the noble Lord.

The Southwark petition was ordered to lie on the table.

Mr. Alderman Sawbridge.

Mr. Alderman *Sawbridge* signified his intention to defer making any motion as to that part of the Petition of the retail shopkeepers of the city of London, which prayed to be heard by themselves or council against the tax, till the motion which an honourable member had pledged himself to make, should fall under consideration, together with every petition relating to the subject.

Mr. Brett

Mr. *Brett* begged leave to inform the House of his design to move the number of seamen for the service of the current year in the Committee of Supply, on the ensuing Friday.

The Chancellor of the Exchequer having entered and taken his seat, Mr. *Marshall* intreated the attention of the House to some necessary observations respecting the militia. Several honourable gentlemen, who had served in that constitutional body of force, investigated the subject with an anxious wish to be able, by fit and salutary regulations, to put the militia on a respectable and useful footing; and, with this view they prepared a bill, in which they introduced several alterations, which they should not have judged worthy of adoption, but, under the conviction, that an adherence to the strictest œconomy was absolutely necessary, all the circumstances of the country considered. Finding, however, that Administration differed from them respecting a point which in their minds was the most essential of any towards restoring the militia to the degree of respect and utility which every friend to his country must wish it to enjoy, being no less than the necessity of embodying and training them regularly every year, and as the right honourable gentleman who presided over the affairs of Government had not been able to make up his mind upon that point, without the enforcement of which, many, if not all, of the gentlemen with whom he had consulted upon the subject, were of opinion it would be better to have no militia at all, he thought it right to take no farther step in the business, but to let the matter rest upon its usual ground. Of this, however, he was persuaded, that another year could not pass over without some material change, a positive act of Parliament being at that time in full force, which expressly ordered, that the militia should be called out every year, whereas they had not been once called out for two years together.

Mr. *Pitt* replied, that he perceived, with no inconsiderable concern, how unjustly attempts were made to mark him out as the person through whom the public was to be deprived of the advantages, which several officers of rank and character in the militia expected would result from a plan on which they had bestowed so much pains and attention. He confessed that there could be nothing more desirable than an arrangement that should reconcile the national defence by a militia to the principles and practice of œconomy; but though he had not made up his mind upon the question, whether the present proposal would have that effect; he saw no reason why the circumstance of one individual member of Parliament, wishing to withhold his opinion until after a subject

of such importance could be debated and argued, should be a means of preventing its coming forward at all. It was certainly the duty of every member of Parliament to suggest and propose such plans as appeared to him likely to promote the public welfare; yet the honourable gentleman, (unless he greatly mistook the point) was particularly pledged to the country to bring forward his plan, having given notice that he had methodised and arranged it; nor ought it to be any objection to his so doing, that he (Mr. Pitt) had not yet sufficiently considered it to venture to give any decisive sentiment on the propriety of one particular part of it (the calling out the militia annually) and especially as he had not yet heard even the arguments of the honourable gentleman himself, he must of course want considerable helps towards forming his judgement upon it. On the present occasion, he must beg leave to appeal to the candour of the honourable gentleman, and call upon him as a respectable and well-meaning member of Parliament, and as a zealous friend to the institution of the militia, to say, whether it was consistent with his duty to the Public and the House, to withhold from them a plan which he thought of such consequence, merely because one member wished to have the advantage of hearing the subject fully discussed before he would venture to decide upon a most essential point of it; or whether it was fair to press him to give an opinion before he was sufficiently master of the subject. As to the idea started by the honourable gentleman, that the not having called out the militia for the last two years, might subject any particular description of persons to blame, he felt it more than difficult to give it a concurrence; because, it was well known, that although the act of Parliament authorised and enjoined an annual embodying of the militia, yet it lay with the House to provide the means, by voting the supply for defraying the expence attendant on it; and when that House did not provide the means, the act of Parliament was (as the right honourable gentleman in the chair would certainly admit,) a dormant statute. It would prove highly improper, except in cases of the greatest necessity, to call out the militia, when no provision had been made for the charges incident to it; nor could a measure of this impolitic nature fail to load the country with an expence for which Parliament did not afford the least sanction.

Mr. Mar-
sham.

Mr. *Marshall* answered, that the manner in which the right honourable gentleman had stated the facts in question between them was not candid.—And, in proof of this assertion, he must beg leave to appeal to the House, whether a matter of such important national concern as the militia, was not more fit for Government to superintend and regulate,

gulate, by the proposing of such measures respecting it as should from time to time appear necessary, than to be left to the suggestions of private persons, or members of Parliament? He had, certainly, in conjunction with other gentlemen, endeavoured to prepare a bill, calculated as far as their judgements went, towards the establishment of the militia upon a respectable footing; and he had stated several of the particular regulations it contained, to the House, at an early day after their meeting; but finding that the sense of a right honourable member—of the Minister of the country—opposed to him upon that point, which he and those who had with him turned their thoughts to the subject, considered as the most essential of all, in effecting the wished-for purpose, he had not lost a moment in declaring, that if the right honourable gentleman could not make up his mind to the idea of calling out the militia once a year, (a measure without which, in his opinion, and that of the best-informed men concerning the subject, the militia would become not merely an useless, but a burdensome incumbrance on the country, he should think it right to save the House and himself from all farther trouble respecting it, and let the matter rest as it was. A friend to the militia he certainly was; and he trusted that he endeavoured faithfully to discharge his duty to his constituents and to his country as a member of Parliament; but he could not conceive that he acted improperly, if finding that the right honourable gentleman had not yet decided concerning the most essential of all those proposed by his intended bill, he chose to stop where he was, and to proceed no farther with a proposition, the main point of which was not likely to meet with the countenance and support of Administration. With regard to what the right honourable gentleman said, in respect to the existing statute, which enacted, that the militia should be regularly embodied once a year, being a dormant law, and in no force, unless the House provided the means of putting it in force, not only he, but a great many very respectable persons differed from the right honourable gentleman. That the purse of the nation was in that House could not be controverted; yet, he conceived that an unrepealed, positive statute was, and ought to be, in full force, and that it was the duty of that House to vote in the course of every session the sum which the embodying of the militia would cost. If they neglected this point, they took upon themselves to dispense with the law of the land, and render the authority of the whole legislature a matter of actual insignificance.

The Earl of Surrey now rose a second time, renewing his *The Earl of Surrey's* complaint against the neglect of Administration to open the *Surrey* session with more business. The House, he observed, had

from the spirit of the propositions, that, instead of the condition of the bill being final and conclusive, it left the point open, and a matter of perpetual option. What miserable changes had not that business perpetually experienced! Mr. Pitt's bill was different from the twenty resolutions, and Mr. Orde's bill again had been different from Mr. Pitt's. In corroboration of the assertion that the bill of Mr. Orde differed materially from Mr. Pitt's bill, he might quote the Irish debates which had been reported with singular accuracy, but he would cite an authority not to be questioned—the printed letter of the Secretary of State for Ireland to his constituents. He then read a passage to the House from the forty-second page of the Secretary of State's letter. Before he dropped the subject of the propositions, Mr. Sheridan compared them to buildings much too visible in many parts of the kingdom, and called Mr. Such-a-ones folly, for the absurdity of their architecture and a multitude of inconveniences which render it almost impossible that they should continue long inhabited.

Attorney
General.

The *Attorney General* replied to Mr. Sheridan, and read the following paragraph from the address of both Houses of Parliament during the last session, to prove that he was mistaken:

“We therefore deem it indispensable that these points should be secured, as conditions necessary to the existence and duration of the agreement between the two countries. They can only be carried into effect by laws to be passed in the Parliament of Ireland, which is alone competent to bind Your Majesty's subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own.”

Mr. Sheri-
dan.

Mr. *Sheridan* replied, and persisted in making a positive and peremptory charge against the Chancellor of the Exchequer, of having brought in a bill materially different from the resolution on which the House had expressed it to be founded.

The House then adjourned.

Thursday, 26th January.

The Earl of Courtown reported to the House, that His Majesty, having been waited upon (pursuant to the order of yesterday) humbly to know His Majesty's pleasure when he would be pleased to be attended by this House, had been pleased to appoint this day, at three of the clock, at his Palace of Saint James.

The order of the day being read, the House proceeded to take into consideration His Majesty's most gracious speech to both Houses of Parliament.

And the same was again read by Mr. Speaker.

Mr. Rose

Mr. Rose having made a motion, that a supply be granted to His Majesty; it was resolved, that the House should, on the morrow morning, resolve itself into a Committee of the whole House, to consider of that motion. The House having adjourned, afterwards, went to Saint James's with the following address:

The humble address of the House of Commons to the King.

" Most Gracious Sovereign,

" We, Your Majesty's most dutiful and loyal subjects the Commons of Great Britain, in Parliament assembled, beg leave to return Your Majesty our humble thanks, for your most gracious speech from the Throne.

" We learn, with great satisfaction, that the disputes which appeared to threaten an interruption to the tranquillity of Europe have been brought to an amicable conclusion, and that Your Majesty continues to receive from foreign powers the strongest assurances of their friendly disposition towards this country.

" We are deeply sensible of the blessings which we experience from the enjoyment of peace, in the extension of trade, the improvement of the revenue, and the increase of the public credit of the nation: and Your Majesty may rely on the utmost exertion of our zeal and industry for the farther advancement of these important objects.

" In order to promote, as far as in us lay, the common interests of all Your Majesty's subjects, we humbly laid before Your Majesty, in the last session of Parliament, several resolutions, as the basis of an adjustment of the commercial intercourse between Great Britain and Ireland; but, as no effectual step has been hitherto taken thereupon by the Parliament of that kingdom, we do not find ourselves at present enabled to make any farther progress in that salutary work.

" We cannot refrain from offering the warmest expressions of our gratitude for Your Majesty's gracious assurances of your earnest wish to enforce œconomy in every department: we shall be equally ready, at all times, to make such provision as may be necessary for every branch of the public service, particularly for maintaining the naval strength of these kingdoms on the most secure and respectable footing. Fully impressed with the necessity of establishing a fixed plan for the reduction of the national debt, we shall lose no time in entering on that important consideration; and it will afford us the most solid satisfaction to find that this most desirable object may be attained with little addition to the public burdens.

" The vigour and resources so happily manifested in our present situation must give encouragement and confidence to all
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Your

would take the liberty to move for a Committee to examine them, and report their amount. The appointment of such a Committee would scarcely have any thing to do, except to sum up the amounts of the different accounts, and to report the total to the House, compared with the total of the other side, which necessarily give an accurate statement of the surplus, whatever it might be. He should hope that the occupation of the Committee would not prove lasting, and that, in consequence, no great delay could possibly take place. The whole having, by means of the report of the Committee, been brought fully and fairly before the House, he would give notice of an early day, on which he should state the nature of the measures in contemplation; measures most likely to conduce to an advantageous appropriation of a permanent fund to be invariably applied in diminution of the national debt. On the present occasion, he had briefly thrown out these few remarks, from a respectful wish to convince the House what unavoidable causes had existed, (and did *still* exist) to retard the discussion of a subject of such singular importance.

The question of adjournment was then put, and carried.

Wednesday, 8th February.

The order of the day was read for the House to resolve itself into a Committee of ways and means. The Speaker then left the chair, and the House went into a Committee; and after some time Mr. Gilbert reported that the Committee had come to two resolutions, viz.

“That a sum not exceeding four shillings in the pound be raised by a land tax for the year 1786.”

“That the duties on malt, mum, perry, and cyder be continued.”

The said resolutions were ordered to be reported on the ensuing Friday.

After a long and uninterrupted pause,

Mr. Sheridan.

Mr. *Sheridan* remarked that he concluded the House were now waiting, in silent suspense, for the appearance of the Secretary at War, with his proposal of a vote in favour of the army estimates. But surely the House would act with more propriety if, instead of listening at so early a period to the discussion of this important subject, they were to adjourn immediately, and thus allow themselves more time for the investigation of the army estimates.

Mr. Rose.

Mr. *Rose* answered that, in his opinion, the honourable Gentleman had introduced his proposition with rather too considerable a degree of precipitation; and the more so, *because*, as the presence of the Secretary at War was every moment expected, a fitter time would then arrive for determining

termining whether the army estimates ought directly to fall under the consideration of the House.

The *Secretary at War* now entered, and moved, "That the House should resolve itself into a Committee of sup-
"ply for the purpose of taking the army estimates into
"consideration." The Secre-
tary at W

When the Speaker had put the question whether he should then quit the chair,

Mr. *Minchin* declared that he felt himself under the painful necessity of opposing the motion that the Speaker should leave the chair, because he could not consent to a vote for the army when the militia had been so much neglected. The militia, undoubtedly, were much preferable to a standing army. They were the interior guardians of the country, and ought to be supported agreeably to the principles of our constitution; and therefore must, of course, attract the jealousy of all who felt a laudable anxiety for its welfare. He very much apprehended, at least it had been insinuated without doors, that the militia was to be abolished, and a proportional number of standing troops substituted in its place. He could not, without alarm, give credit to the report, because a standing army had always been considered as dangerous to the liberties of Englishmen. The corps of militia, during the whole period of the last war, proved exceedingly useful to the defence of the country. They had acted as became good soldiers and patriotic citizens, and, upon all occasions, displayed considerable zeal in the service. It had been said, that they were local troops, and could on no emergency be sent abroad. But, did that circumstance lessen their value or utility? Far from it. For while the militia were employed in guarding the interior parts of our dominions, the regular troops might be sent on foreign service. It gave him concern to remark that, notwithstanding the truth of these positions, it now appeared, that they were very much lessened in point of estimation and importance. It had been customary, since the establishment of this corps, to call them out once every year, in order to keep them in proper discipline. The expence was trifling in comparison of the magnitude of the measure. It had only amounted to about forty thousand pounds when the whole corps performed duty for the limited period of twenty-eight days. If, however, it was intended to reduce them in proportion to the reduction of the army, and to limit the number in time of peace to 17000 men, the expence of training and exercising them for twenty-eight days would amount only to the sum of 20,000*l*. If any reduction was intended, why not reduce the standing army, and continue the militia in that important point of view to which they certainly were entitled?

They were the local and stationary troops of the country, and from every consideration, deserved more confidence than a standing army. Besides, it was now absolutely necessary to retain a defensive corps at home, in case of a sudden rupture with our enemies abroad. Formerly, our navy was found adequate to our national defence, and considered sufficient for that purpose, both internally and externally. The times were, very unfortunately for Great Britain, altered; and our navy, which had been in later periods, considered as the bulwark and pride of the nation, had experienced a diminution of its importance in the eyes of all Europe, by the formidable exertions of the House of Bourbon. France and Spain were now equal to us in a naval arrangement; nay, he believed, by the accession of the navy of the United Provinces, greatly superior. He could not avoid supposing that, on the commencement of another war, our navy would prove inferior to such a formidable confederacy. If therefore we neglected this navy, it was necessary that we should invigorate our internal defence; and, consequently, the regular training and exercising of the militia was the primary object. The right honourable gentleman (Mr. Pitt) had, on a former occasion, spoken in strong terms concerning economy in the expenditure of the public money.—He approved very much of the right honourable gentleman's ideas of economy; but he did not like to see any economical plan carried to such a length as to infringe upon general systems of necessity. A judicious plan of economy he conceived to be a proper application of the money voted for the particular service for which it was appropriated; but when the sum voted was misapplied, he considered that the object for which it was intended was entirely defeated. He wished to know whether the right honourable gentleman designed to support the bill intended to be introduced by several honourable friends. He believed it was very well calculated to regulate any defect in the militia laws. If the right honourable gentleman agreed to support the bill alluded to, he would consent to the House going into a committee on the army estimates, although he apprehended that it was acting with too great precipitation; for the estimates had not lain a sufficient time upon the table of the House for the inspection of the members. But, if he might take the freedom to draw inferences from the part which the right honourable gentleman pursued, on the preceding day, he could not venture to flatter himself with the hope of finding him friendly to the bill; and therefore for the purpose of delaying the matter until he should become acquainted with the result of the militia bill, he would move, "That the House should now adjourn."

Mr. Steele

Mr. *Steele* declared that he opposed the motion from a consciousness of its impropriety, and added, that if gentlemen were resolved to cavil on every occasion, and stand forward merely for the sake of opposition, there would be an endless contest, because on every trifling occasion opportunities would always present themselves for objecting to a measure, however salutary in its consequence. With regard to the militia bill, if gentlemen were determined to wait till it passed before they consented to vote the estimates for the army, they would probably retard that event till the conclusion of the session; because, as the adjustment of that question depended upon the passing of the militia bill, no man could tell when that event would become accomplished. Concerning the short notice given respecting the business now in dispute, he differed in opinion from the honourable gentleman who had preceded him. He might pretend that he had not received sufficient notice; but he was firmly persuaded that the House would not agree with him. The estimates had during a length of time, remained upon the table open to a general examination; a circumstance which certainly operated irresistibly against all arguments in favour of a procrastination of the business.

Mr. *Minchin* begged leave to tell the honourable gentleman that he had totally misrepresented his observations. He had never contended, that the militia bill ought to pass before the army was voted; but, on the contrary, only intimated that it behoved ministers to acquaint the House whether they intended to establish the militia upon a respectable footing previous to any application to the House in favour of the army estimates.

Mr. *Sheridan* said that he also must resist the motion for the Speaker's leaving the chair; yet upon an important principle, in some measure dissimilar from that of his honourable friend, and for the sake of preserving a strict and invariable adherence to the established rules and forms of proceeding in that House. On the present occasion, he felt it right to urge the necessity of preserving such an adherence, and therefore, must beg leave to remind the right honourable gentleman in the chair that he rested on his authority for the validity and justice of his argument as applicable to the present instance. It had been the well-known and established rule of proceeding with the army estimates, to have them lay upon the table eight days prior to any motion's being made for referring them to the consideration of a Committee. This rule had, he believed, been invariably adhered to in every former instance, but in the present the estimates had not been upon the table more than five days, and now it was attempted to go into a Committee for the purpose of voting them, although at the

time that they had been presented, when Wednesday was nominated, as the day on which they should be taken into consideration, they had heard from the first authority in that House, that the practice had been in all preceding times not to move for their being referred to the Committee of Supply until they had been upon the table eight days. With such indecency did Administration fly in the face of the Chair; and fatal would prove the consequences if a bad precedent were once suffered to be established. He did not mean to insinuate that any improper intention operated upon the right honourable gentleman at the head of the War Office in thus urging the House to break through their established rules; but if he was to be indulged in every eccentric flight of genius that he might choose to take, there was no knowing into what strange extravagances he might not lead them. For his part, he wondered from whom he had learnt the idea of breaking through the established rules and forms of the House; his predecessors in office had been content to adhere invariably to those rules, and in so doing they had acted wisely. If the rule was once broken through, it might be abolished altogether. If it was right to vote the army estimates after they had been upon the table only five days, why not vote them after being there only four, three, or two days: or why not bring them down, present them, and call upon the House to vote them the next day or the very day on which they were presented? The same reason which would justify the violation of the rule in one instance, would justify it in all. Besides, in all former sessions the constant usage had been to vote the navy before the army estimates; and, as the strength of our marine was to be the guide what sort of an army might be necessary, the vote of the navy ought always to precede the vote of the army. This infringement of the usual practice was highly reprehensible; and though he could not agree that it was not improper to vote the army before the militia, or think that there required any argument whatever to prove the extreme impropriety of going into a Committee, besides that very serious one which he had already urged, the absolute necessity of a strict adherence to the established rules and forms of proceeding in that House, yet certainly the matter in which the right honourable gentleman had expressed himself on the subject of the militia, afforded strong ground of objection to voting the army estimates at present. The right honourable gentleman had contended that an honourable and respectable friend of his ought not to shrink from his intention of bringing in the bill for regulating the militia, because he, a single individual in that House, had declared he had not made up his mind to one particular point. For his part, *he was of the same opinion; and he hoped, notwithstanding*

standing what had passed, that the worthy and respectable member would bring in his bill; and, surely, the Public were already under infinite obligations to him for what he had done, and his introducing the bill, even if it were to fall, from that part of it being objected to and overcome that enacted the measure, which the honourable gentleman and those who had with him taken the trouble of digesting the system, (and who were consequently the best able to judge of every part of it) deemed the most essential point of all, would be attended with this good consequence, that it would not only bring the subject fairly under discussion, but open the eyes of the Public, and convince them who were and who were not the friends of the militia, and whether there was or was not any designs to annihilate the institution. With regard to the right honourable gentleman's calling himself, as he had thought proper to do in respect to the militia, a single individual, it might fairly be observed that the right honourable gentleman passed under various characters in that House; at one time he called himself a Member of Administration, at another the Minister, then again the Minister of the Crown, nay he had even once assumed the self-created character of Representative of the Representatives of the People, and sent his own will in a dictatorial manner to the Irish Parliament, instead of the resolutions of that House; but when the fit of humility was on him, he bent to the more submissive character of a simple individual. It was not a little remarkable that the effect and success of his measures for the most part depended on the character which he thought fit to assume. When the right honourable gentleman chose to stand up as a single individual, he generally failed in achieving his purpose. On the grand question of reform in the representation of the People in Parliament, the right honourable gentleman professed he was acting as a single individual, and there he did not succeed. In this scrutiny, in like manner, acting as a single individual, he failed; and had he been no more than a single individual in the case of his India bill, he verily believed the right honourable gentleman would have failed likewise. He hoped and believed that the militia bill, if brought in and gone on with, would succeed, as the right honourable gentleman chose, on the present occasion, to call himself a single individual, however much the gentlemen who had waited upon him respecting the militia, might have found him the Minister at his House in Downing street. On the whole it appeared that the House could not immediately go into a Committee upon the army estimates without violating an established practice, and thereby introducing a precedent which might lead to most mischievous and alarming consequences. He felt it difficult to conclude without ob-

observing, that the half-smiled laughter with which the Minister and his friends met some of his remarks were indecently misapplied to a subject of such particular importance.

he Secretary at War.

The *Secretary at War* said that he flattered himself that the defence of his own conduct would rest firmly upon a plain statement of facts, and therefore he should leave it to the House to judge from them and draw the natural conclusions. There was not in that House, he believed, a member who had shewn more respect and reverence to their forms of proceedings than he had uniformly done for the thirty years, during which he sat in Parliament, and he trusted that he had not in the present instance acted so as to violate any one of them. The papers had now been seven days upon the table [Mr. Sheridan cried out, No! no! only five] The Secretary at War added that he should persist in his assertion; they were presented on the preceding Thursday, and he should contend, that Thursday was one day, Friday two, Saturday three, Sunday four, [The opposite side of the House laughed.] Monday five, Tuesday six, and Wednesday seven; that was a complete week, for he knew of no rule that the whole of the seven should be sitting days. Saturdays and Sundays would serve as well for the inspection of papers as any other days; and therefore let the House judge whether the papers had not been before them a full week, and whether he was chargeable with any attempt either to proceed precipitately, or to violate any established form of proceeding. Indeed he should have imagined that the honourable gentleman who had just sat down, knew his character as a member of Parliament too well to have supposed him capable of such a design, and as to eccentric flights of genius, he could only say, he was, at that moment [tortured by the gout] less qualified than ever to attempt flights than at any other time, had he been so inclined. As a proof that his arguments were far from inconclusive, he begged leave to remind the House, that when he gave notice of the day on which he should move to refer the estimates to the Committee of Supply, a noble Earl (of Surrey) expressed his satisfaction that the time of investigation was so little distant,

Mr. Sheridan.

Mr. *Sheridan* answered that the right honourable gentleman had contended himself with attempting to prove that the papers had been upon the table a week or seven days, but even if that could be made out (which he must beg leave to deny) this was not meeting his argument, which was, that the papers had not been on the table the usual time, and in that argument he had been supported by the first authority in that House. When he alluded to the eccentric flights of the right honourable gentleman, he certainly did not mean to insinuate that the right honourable gentleman had taken a flight.

light of such altitude as that of a right honourable friend of his (Colonel Fitzpatrick) during the course of the preceding year.—[The House laughed].

Lord North having expressed the pleasure which he always Ld. North. felt at coinciding in opinion with the noble Earl (of Surrey) who sat near him, begged leave to add, that although the noble Earl, from his zeal for the dispatch of the public business, and perhaps from thinking that matters went on too slowly, had on the day when the estimates were presented, declared his approbation of the proposal then to take them into consideration, notwithstanding that it was at the time stated from the Chair, that it had been a constant practice to allow them to be upon the table a longer while, he *must* say that it appeared to him to be highly improper, and pregnant with the most serious consequences, to violate an ancient, and hitherto an invariable, rule of proceeding. It had been always usual, soon after the commencement of the session, to present the army estimates, and in a day or two afterwards, notice was given, that the seamen for the service of the year, would be voted on a particular day, and the vote on the navy always took place of the vote for the army, and preceded it, most probably, because the seamen and marines were voted without estimate. With regard to the estimates of the army, they had constantly lain upon the table eight or ten days before it had been attempted to move to refer them to a Committee of Supply, nor did he ever know, that the day on which they were presented, was counted as one of the number of days on which they were before the House. He trusted that before the House departed from their ancient rule and usage, a precedent of such a departure might be pointed out, or that some public ground of necessity might be stated. The practice had clearly obtained to prevent the House from being taken by surprise. In the present case most probably surprise was not intended; yet it behoved the House to guard against the introduction of an exceptionable precedent.

The *Chancellor of the Exchequer* remarked that he should The Chancellor of the Exchequer. find himself exceedingly puzzled perfectly to understand the conversation to which the gentlemen on the other side of the House had given rise, were it not for a complaint made a few days ago by a noble Earl (of Surry), of the House meeting at three o'clock, and regularly adjourning before four.—This mode of creating a warm debate, and calling forth all the powers of a most vigorous opposition on an ordinary question like the present, was, he must confess, a very effectual method of remedying the evil complained of: but at the same time he dreaded lest an adherence to it *should prove the means of increasing another cause of uneasiness*

business which had also been suggested, but which, as of less importance, he supposed gentlemen were willing to sacrifice to the former; and this was the slow progress which the public business was making in the House. The noble Lord and the honourable gentlemen who had preceded him, endeavoured to establish it as a certain and conclusive ground of objection to the motion before the House, that it was contrary to the established order of parliamentary proceeding to go into a committee of supply on the army estimates until they had lain on the table during seven or eight days (for the noble Lord, in particular, could not venture to say which, and not being able to produce any written document to prove that such an order existed) he had argued it on the principle that it was necessary to prevent the House being taken by surprise on a subject of such considerable importance. Now, certainly, however sound and judicious the principle might in general prove, it could by no means apply to the present case; for he believed that not one member who saw how well the House was attended, and observed the degree of preparation which some gentlemen had made as well in point of argument as in wit and pleasantness (which none, ignorant of the peculiar talents of one of the honourable gentlemen opposite (Mr. Sheridan) would have thought could have found a place in a debate on so dry a subject as the present) would pretend to say, that there was any danger of the House being taken by surprise. In aid of this fact, of the House being sufficiently awake and upon their guard, gentlemen had moreover disclaimed any suspicion of the Minister having meditated such a surprise. How unfair was it in gentlemen to sit by and hear notice of a motion given to the House, particularly of a motion in the ordinary and regular course of business, without imparting even one single hint of their intention to oppose it, nay to suffer so many days to pass over without any such intimation, and then to come forward (as they now did) with arguments drawn from a supposed established practice, which no man could take upon himself to prove and substantiate! The noble Lord, after begging the question, as to the existence of the point of order which became the chief basis of opposition, had taken some pains to ascertain the number of days during which the estimates had lain upon the table; but surely his time was spent to no great purpose, for it would afford but little room for ingenuity and argument to prove, that if the papers were laid on the table on Thursday, then Thursday was one of the days on which they were on the table; and yet this difficulty, it seemed, was one which the noble Lord thought it no degradation to his talents and understanding to attempt to solve. An argument had been used

used by an honourable gentleman to prove that it would be improper to vote the army estimates until after the seamen, for the service of the current year, should have been previously voted: and this undoubtedly shewed, in the clearest point of view, that he and his friends had no very great anxiety to forward and expedite the public business; for they would certainly, in such a case, have given notice of their intended opposition, and so have induced Ministers to move for the seamen on this day, and postpone the army till Friday. But, in fact the whole of the opposition to the question seemed to him to originate in the honourable gentleman's well-known disposition to mirth and derision, and appeared to proceed from a design to laugh at the House; and instead of permitting them to enter upon a business for which they were prepared by proper notice, to tell them in plain terms, "Well, gentlemen, I see you are all come down to vote the army, but I promise you you shall do no such thing, for I have special reasons to put it off for a day or two longer, and I have found out a number of gentlemen to vouch for me, that there either is, or ought to be, a standing order to that effect." And thus was the humorous vein of the honourable gentleman to be gratified at the expence of the time of the members, and the dignity of the House. However, lest the intention of the honourable gentleman might appear too plainly, and so defeat the object in view, he had taken care to keep himself back in the debate until an honourable gentleman of a graver cast, whose eloquence was of a more serious complexion, and who had argued the question upon more solemn grounds, should precede him, and so cover his main design. As to himself, Mr. Pitt said that he trusted that the House would indulge him with a few words upon the subject, which however foreign to the purpose, had been drawn into the debate, and made considerable use of by the gentlemen on the other side of the House, in hopes to create a prejudice against him in the minds of his fellow subjects. He had, on a former occasion, been called upon by an honourable member to deliver an opinion on a matter of the greatest consequence, and which comprehended in it the two most essential objects of the attention of that House, and of government, namely œconomy, and that constitutional defence of the kingdom, the militia. He had begged leave to withhold his opinion on the subject, until a public discussion should have enabled him to avail himself of the information which he expected to receive from those very respectable members of Parliament and officers of the militia who had so meritoriously applied themselves to the business—advantages had been taken of this hesitation to raise

a suggestion that he was in general hostile to the institution of the militia, and that in consequence of his being so, it would be to no purpose to bring forward any measures for its improvement—this conclusion was the more absurd, because the very gentlemen who endeavoured to stigmatize him as an enemy to the militia, merely because he had not yet clearly made up his mind on a certain particular question relating to it, had themselves determined to withhold from the House a plan methodically and industriously arranged, and on the propriety and usefulness of which, in all its parts, their judgements were agreed, merely in hopes of throwing an odium upon him. He professed himself to be as much as any man could possibly prove, a friend (he might indeed say an hereditary friend) to the militia, and fortified as he was in the consciousness of that disposition, he should look down with contempt on every illiberal insinuation calculated to injure his reputation and misrepresent his principles; though were he not so happy as to feel that consciousness, he should certainly smart severely under the censures which he had undergone—and having not come to any fixed and determined judgement on the subject alluded to, he should not be provoked either by the wit or the anger of the honourable gentleman (Mr. Sheridan) nor by his desire to create, or his inability to bear a laugh, to hazard an opinion without sufficient investigation, and which of course it was not improbable but he might afterwards find it necessary to alter. He challenged any gentleman on the other side of the House, excepting those who had employed themselves so long in an investigation of the subject, to stand up and avow whether he had himself formed any such decisive opinion on the necessity of bringing out the militia annually, as he would venture to abide by; and if he had, to declare what were the arguments and reasons on which such opinion was established.—If no gentleman was ready to commit himself in such a manner, why then should they expect or desire him to do so? If his expressing a doubt upon that subject, and requesting time and information, was to be construed as an omen of the ill success of the whole arrangement proposed by the framers of the bill, though at the same time declaring that he was not determined against the principle, how dangerous must it be (since the gentlemen were pleased to ascribe such weight to his opinion,) to force him to give one before it was sufficiently matured and digested; and he desired the honourable gentleman to reflect how inconsistent it was with his boasted zeal for the militia, on constitutional grounds, to make himself instrumental in propagating a doctrine, that it was justifiable for any gentleman in possession of a plan calculated

tulated to serve the Public, to withhold it from the House until they should have procured the concurrence of the executive servants of the Crown.

Mr. *Marsham* declared that he could not avoid regarding ^{Mr. Marsham.} the verbal attack made *apparently* upon *him* by the right honourable gentleman as a kind of personal abuse. He had accused him of abandoning, for frivolous reasons, a measure of general utility. Of these reasons, however, the right honourable gentleman could not plead ignorance when he reflected upon the steps which he had taken in the business; he was conscious that he had acted from the purest motives; he had not deserted the cause of the militia, or of the Public, by any measure whatsoever; he wanted to secure both, and he had been averse from bringing forward his bill on this very account. He was aware, that in the present situation of affairs, there existed a statute, which might be called into execution, and which, in its execution, might, with the concurrence of the House, give efficacy to that very regulation which he wished to establish, as essential to the proper discipline of the militia. He meant their being called out once a year. Were he, however, in the present circumstances of the case, to attempt, by any bill which he might bring in, to put matters on a better establishment, he was suspicious of endangering the very existence of that object which he chiefly felt an ambition to preserve. The right honourable gentleman's concurrence in the plan proposed, not as a simple individual, but as the Minister of the country, he considered as absolutely necessary to the creation of the system. He was not singular in this opinion. There were two other gentlemen from whom he believed that the right honourable gentleman would not differ, but with reluctance, who were connected with the militia, who entertained the same sentiments of the business as he did, and with whom the right honourable gentleman might commune if he saw fit, on this important subject. If he was serious in his intentions to adopt any scheme which might render the militia more useful; if he was anxious to profit by the labours of those who had attended, perhaps more than he had done, to the subject, he had it now fairly in his power. He now possessed every intelligence which could have been imparted by gentlemen, attentively and unremittedly engaged upon the investigation of the subject, and it rested with him either to flight such resources, or turn them to a public benefit.

Mr. *Pitt* replied that it was not possible to describe his ^{Mr. Pitt.} astonishment at discovering that the honourable member had supposed him capable of assailing him with invectives. Nothing could be more remote from his intention: the arguments he had employed would not support the conclusion.

It had become the favourite object with the other side of the House, to exhibit him as unfriendly to the militia, because he had not declared his intention to concur with respect to one regulation contained in the bill, before it should be discussed in the House. There was surely no ground for the allegation. If it belonged to any persons to bring forward measures of this nature, it was surely the province of those who, from a devotion of mind to a particular subject, were possessed of the most extensive knowledge of it. In the ostensible character in which he stood, various plans of operation were constantly pressing themselves on his notice. It was impossible for him to bestow that attention to each, to which a single individual or a body of men might find themselves absolutely equal. This was precisely the case in the present instance. Communications had, no doubt, been made by those who employed themselves in digesting a new system of militia law, against whom the honourable gentleman was one; but would any person venture to say, that though possessed of such communications, he was equally well qualified to bring forward a measure of this nature with those who had made it an object of study, and dedicated a large portion of their time to the consideration of it? Amongst the number of these, he was convinced the honourable gentleman was most conspicuous: it belonged, therefore, to him more properly to bring it forward; and if he considered the disapprobation of his intended desertion of duty as a personal attack, he had every allowance from him to take it up in that light.

Ed. North. Lord North said that he rose in vindication of himself and of his friends. The right honourable gentleman had charged them with a defect of duty, in not opposing the order of the House at an earlier period. Why, says the gentleman, did you not come down on Friday, and object to it? Why did you not oppose it before this time? If you had, the navy might have been voted in the mean-while, and all objections to precipitancy removed. This, indeed, may be a species of argument to the men, but not to the rule. As for his own part, his absence admitted of some sort of vindication. On the Friday and Saturday it was impossible for him to attend. On the Monday he went to the country. He had remained there till the present day. But supposing that he and his friends might not have been doing duty, as the Secretary at War, or the right honourable gentleman; yet surely this conduct had not escaped the observation of one, to whom particular attention was due in all matters of form: the observation he meant of the right honourable member who so deservedly filled the chair. He had declared his sentiments *relative to this matter*, when it was first proposed, and had

explained the uniform practice of the House. His observations at that period were perfectly coincident with his ideas on the subject, whatever it might be with those of the other side of the House. Still however, every remark advanced was considered by the right honourable gentleman, as the language and argument of what he had denominated a "*vigorous opposition*." Whether the opposition was vigorous or not, he would not pretend to say; but surely the present question was not a point of opposition, but a mere question of form. It was simply this: whether the House would agree, for no plausible reason whatever, to depart from a mode of procedure, which had been uniformly adopted by it, or not? For his own part, he must contend that there was no deviation from this practice, and that there ought to be none, unless upon the most critical occasions, or for the most urgent reasons. If none of these existed in the present case, why wander from the ordinary course? If then there were precedents, those precedents should be produced; and they should be more especially produced by those who were attempting a new and extraordinary mode of conduct. The obligation rested with them: not with those to whom an attachment to the invariable practice of the House was a point of anxious and undeviating attention.

Mr. Pownie wondered that the time of the House should be engrossed by the discussion of a matter, relative to the militia, which he conceived it by no means difficult to adjust. The honourable gentleman opposite to him (Mr. Marshall) had informed them, that he gave his bill on this subject to the right honourable gentleman. The right honourable gentleman, on the other hand, contended, that it was his duty to bring it forward. Why not, then, gratify the House with a sight of it? There could be no harm in this—and it was most probable that the House would, in its wisdom, dispose of it according to its deserts.

Mr. Taylor reprobated what he termed the unbecoming treatment which his right honourable friend (the Chancellor of the Exchequer) experienced respecting the militia business. He avowed himself a sincere friend to the militia. From the knowledge, however, which he had acquired on this subject, he entertained some doubts whether the regulation which was intended would be productive of any good effect. He hoped that the matter would be brought into discussion, and that every person would obtain that information which was absolutely necessary for a just decision on the point.

Mr. Fox said that he felt it impossible to permit the observations of the right honourable gentleman respecting the militia to pass unnoticed. The militia formed part of the defence of the nation. Did the right honourable gentleman, then,

then; affect a greater ignorance on this subject than any other person? Was it not his duty to inform himself of all its circumstances? He was the minister of the country, and, as such, it became him to be better informed on this point than any other person. This, therefore, was no ground of excuse why he should not bring forward any measure which might be judged necessary for putting the country into a better state of defence. It was his duty to know, and to do this beyond that of every other member of the House; and to decline this task on pretences of want of sufficient information, was no argument at all in his favour. He hoped such subtleties would not be allowed as precedents in the House, nor received by the country at large. As to the point of form under more immediate discussion, he saw no reason why the uniform usage of the House should be departed from on the present occasion. His honourable friend near him (Mr. Sheridan) had contended that the estimates should have lain on the table, agreeable to practice, eight days. The right honourable Secretary at War had acknowledged, that they had lain there only seven. Why then transgress the ordinary usage of the House, or give birth to a precedent which might afterwards be employed as a dangerous instrument of surprize? He knew of no instance occurring on the face of the Journals, which justified the step; and he was of opinion that the gentleman on the opposite side of the table should either shew some authority for adopting this new line of conduct, or relinquish it altogether. He was strengthened in his opinion, that there was no precedent on the Journals of the House which justified their going into a Committee on the army estimates before they had lain eight days on the table, as this idea had been countenanced by an authority to which he had uniformly paid an implicit deference—the Chair. As to the plan of voting the army, contrary to custom, before the navy, he could easily conceive a reason for it. The navy was recommended warmly in his Majesty's Speech as an object of attention. If, however, it should be voted prior to the army when the latter came under subsequent consideration, various arguments of objection might be stated, which by the intended manœuvre would be entirely cut off. In consequence of the present reprehensible deviation, the army would be rendered the leading object, although the navy must experience the greatest need of aid and augmentation.

Mr. Rose.

Mr. Rose requested that the Journals of the 12th and 16th of December 1774, might be read. This being done, he from thence argued that it clearly appeared that Lord Barrington, then Secretary at War, had laid the estimates of the army on the table on the first of these periods; and that they had

had been submitted to a Committee of the House, and voted the following one; not after eight days consideration, as contended for, but only four. Mr. Rose hoped that this precedent would not be objected to, or be in the least offensive to the noble Lord (Lord North) on the opposite side of the House, or his friends.

Lord North declared, that it had been produced for that very purpose. [The House laughed.] He observed, that though he had uniformly contended for a strict adherence to the practice of the House, yet he had never been absurd enough to assert, that there was no supposable occasion on which it might be dispensed with. He was persuaded that there must have been something singular to have given rise to the precedent quoted, though it ought not to be urged as a general rule, *as* one swallow does not make a summer. The American war was then about to commence, at least the seeds of it had become apparent, and precipitancy in voting the army estimates, might, on such an occasion, be justifiable. The new Parliament had, at the period alluded to, met for the first session; it was in the month of December; on account of the holidays, they must adjourn about the 24th; there might, therefore, be no impropriety in a new Parliament, on the apparent approach of a war, giving a proof, by even transgressing an established rule, of their confidence in His Majesty's Ministers, by voting the army in the expeditious manner they had done.

The Honourable Mr. Grenville said that he felt it more than difficult to regard the argument of the noble Lord without surprise and indignation. He and his friends had contended, with unexampled confidence, that there was no precedent to countenance the proposed measures. Yet what had appeared on the Journals of the House, and during the noble Lord's own administration also, but a precedent exactly in point, and a precedent which ought not to have escaped the recollection of the noble Lord, or of his friends. The noble Lord asserted that the war with America was then in view, and that this circumstance might account for the House going out of its common form for the purpose of giving proof of its confidence in Ministry. But for what purpose was that confidence to be bestowed, but for the adopting a train of measures which he hoped his right honourable friend was incapable even of conceiving, as they had been so fatally prejudicial to the interests of the country. He could not sufficiently reprobate the conduct of those in opposition, who, with a strange effrontery, had called for precedents, and with an unexampled confidence had asserted, that there was no ground for continuing a measure which seemed fully justified by the Journals of the House.

The Hon.
Mr. Gren-
ville.

Lord

Ed. North. Lord *North* answered that the ingenuity of the honourable gentleman, who found it necessary, on all occasions, to have recourse to the American war, was entitled to admiration. The American war was a uniform topic to him and his friends. All its disasters were charged on him. In short, the American war was his great *cheval de bataille*; it was his favourite hobby-horse, he was fond of mounting him on all occasions. He would remind him, however, as well as his right honourable friend, in what the American war originated—it was the stamp act. Hereditary virtue, and hereditary merit, had been talked of, and he believed, that if there was any thing in such ideas, they were as applicable to the honourable gentleman, and his right honourable friend, in the view of the American war, as to him.

Mr. Courtenay. Mr. *Courtenay* remarked that the right honourable gentleman combated, in all his arguments, the authority of the Chair; that such an act of repugnancy was disrespectful in the extreme; that —

Mr. Grenville. Mr. *Grenville* called him to order, contended that the honourable gentleman had tortured his arguments, with a view to make them appear to the House calculated to convey a censure upon the Chair, than which nothing could be more distant from his intention, as no one entertained a higher respect for the opinion of the Chair than himself.

Mr. Courtenay. Mr. *Courtenay* replied, that the right honourable member had given a striking proof of his sagacity, in having been able to discover, nor what he (Mr. *Courtenay*) *had* said, but what he was *going* to say. It was impossible, for two very substantial reasons, that he *could have* tortured the arguments of the right honourable gentleman: in the first place, he had scarcely uttered a sentence, when the right honourable gentleman thought proper to interrupt him. And in the next place, it was impossible that he could have tortured his arguments; for, in truth, the right honourable gentleman had not used any arguments at all; but, instead of speaking to the question, had deviated into extraneous matter, not at all applicable to the business then under consideration; such was his digression relative to the American war; in which the right honourable gentleman had used language the most unexpected that could have fallen from any man of delicacy; for when he first mentioned the American war, he thought he was most certainly going to defend it, from a principle of *filial* piety; and that he was about to follow the example of the Chancellor of the Exchequer, who had boasted, this day, that he had an *hereditary* right to like the establishment of a militia: so might the right honourable gentleman have boasted that he had an *hereditary* right to approve, support, and defend the American war:—But it would seem, from what both
gentle-

gentlemen had said, that they claimed a right also to condemn and overturn those things for which they professed to entertain the greatest respect; and that tho' they agreed in principles with the Public, they were always liable to avoid being obliged to admit all the consequences that would flow from them, by riding away upon a distinction. The American war had, in truth, been the work of the right honourable gentleman's father; but he never failed to abuse it, when, by so doing, he found an opportunity of attacking the noble lord in the blue ribband. So the Chancellor of the Exchequer expressed his veneration for the militia, the establishment of which had been the work of his father, but his veneration appeared only in his words; for when the worthy and respectable country gentlemen, who had digested a system for rendering the militia efficient, waited upon him with their plan, he gave great praise to them for their patriotic labours, and approved of every part of the bill except one, which was precisely the most essential part of the whole, the *sine quâ non* of the plan, without which they did not think they ought to proceed in it, as the rejection of this one part, which was the calling out and training the militia every year, would completely defeat the great object of it. So that in truth the Chancellor of the Exchequer appeared now most clearly to be an enemy to the militia in effect, though he did not dare to avow it publicly in so many words; for he knew that, as it was a favourite service with the Public, he would be deserted by the most independent men, who now supported him. This was not an idle or a light suspicion on his part; he was sorry to see but too much reason for entertaining it. It was remarkable, that on all former occasions, the navy had been voted before the army: but this year there was a deviation from that practice, which was not a little surprizing; nay, it was alarming when coupled with another circumstance, of which he had heard something, and which he believed would soon be known to the House at large; and that was, that on the next supply day a reduction of *two thousand* seamen would be proposed. He would put it to the feelings of gentlemen, how far it was consistent with the spirit and genius of the constitution, to keep up a standing army to a great extent, which was only tolerated from year to year in this country; and to reduce the marine strength by the reduction of 2000 seamen while the constitutional land defence, the militia, was wholly neglected, and suffered to crumble away. This, he observed, was a subject worthy the most serious attention, but on which he would say no more at present. With respect to points of order, there was an authority to which it was usual to appeal in matters of that nature: the *authority of the chair*. The right honourable gentleman who

presided in it would, therefore, please to declare his opinion on the subject, and his decision should determine his vote.

The House cried out "*Chair, Chair!*" upon which the *Speaker* rose, and observed that he trusted it would prove sufficient to repeat what he had said on the subject a few days ago, when the Secretary at War gave notice that he would move that the army estimates should on the present day be referred to the Committee of supply.—On that occasion, he had thought it his duty to state, that it was the practice of the House to let the army estimates lie eight days upon the table, before they suffered them to be referred to the Committee of Supply. He found, on that occasion (when he delivered his opinion), that the sense of the House seemed not to be in favour of that practice; upon which he observed that the House was certainly at liberty to change the order of its proceedings; but that he thought it his duty to state the practice, leaving it to the House to determine, whether it should be still followed.

Mr. Dundas having signified his veneration for the Chair, added, that in dissenting from it at present, he was countenanced by those who were ultimately to decide in such a point—the House at large. The honourable gentleman who had spoken immediately before the opinion was given from the Chair, had not used any new arguments, but merely repeated, in coarse and clumsy language, the preceding arguments of others. He had also indulged himself in licentiously attacking his right honourable friend, (the Chancellor of the Exchequer) endeavouring to represent him as an enemy to the militia; but should his right honourable friend think proper to make any reply to what had been urged against him on that head, he must have a much higher opinion of the arguments of that honourable gentleman than either he or (he believed) the House could possibly entertain. The honourable gentleman thought proper to observe, that his two right honourable friends (Mr. Pitt, and Mr. Grenville,) appeared constantly to agree with the Public upon all those principles, which were regarded sacred by the country; but that by riding off upon a distinction, they never failed to find a pretence for defeating the wishes of the People, and avoiding an agreement in the conclusion which might be deduced from the principles. But this was not the case; and it was only by misrepresentation that any colour could be given for such an assertion: for in no part of what the Chancellor of the Exchequer had said, could there be found the least reason for concluding that he was an enemy to the militia. Indeed the very reverse appeared; and all that could be said against him on that head was, that he remained as yet *unprepared to give as decided an opinion upon one particu-*

lar point as other gentlemen were who had made it the subject of their study for many months past. Mr. Dundas said, that he must now beg leave to take notice of a sophism, used by a right honourable gentleman, (Mr. Fox) who observed, that he could not believe that his right honourable friend had not yet formed a decided opinion relative to the calling out the militia annually, and for this reason, that, as a Minister, he must long since have determined what was to be the plan of national defence for the present year; and hence he inferred, that however the Chancellor of the Exchequer might wish to deny it, he had actually made up his mind on the question of calling out the militia, though he would not venture to state his opinion to the House. He agreed with the right honourable gentleman in his premises; that his right honourable friend, as a Minister, must have made up his mind respecting the national defence for the present year; but it by no means followed from this, that he had formed a decided opinion on the propriety of calling out the militia annually; for certainly, a very great difference existed between the general plan of defence, and a particular regulation, because the calling out of the militia was no more than a regulation of a part of the existing defence of the country. On this occasion he must remark, that the very right honourable gentleman, who was foremost in attacking his right honourable friend, for not having already made up his mind upon that point, did not, even at the present moment, possess a decided opinion on the subject—and he was not an ordinary man—for although out of office, he had been twice a Minister—He should, therefore, beg leave to ask him, not as a Minister, (and heaven forbid that he were at this moment!) but as a gentleman who had been a Minister, why he did not make up his mind on the subject at either of the two periods when he had a share in the direction of His Majesty's Councils, as during neither he had called out the militia. As to the point of order, and with respect to himself, it was a matter of indifference whether the army was voted on the present day, or on the ensuing Friday; but he was very much surprised indeed, that gentlemen should assume what they were not able to prove; and his surprise was heightened, when he saw them persevere in defending a position, in defiance of evidence. They had been pleased to assert, that it was the invariable practice of the House not to vote the army estimates, until they had lain upon the table eight days; but, unfortunately for them, an honourable gentleman (Mr. Rose), who had not been in the House when the debate began, but who bearing upon what it ran, opened the Journals, and the very *first passage which caught his eye, afforded the most complete*

refutation of their doctrine, it appearing that in the year 1774, the estimates of the army had been voted in four days after they had been laid upon the table. He made no doubt but that the Journals contained hundreds of similar precedents to beat down the doctrine so confidently assumed by the gentlemen on the other side of the House. It was rather singular that his noble friend in the blue ribband, should have forgotten, the case which had been quoted from the Journals, as it happened during his own Administration. In order to overturn the consequence that was fairly deducible from it, his noble friend ought to shew that the case happened either during a war, or upon some pressing emergency, that would warrant a departure from a general rule: but this he could not do; for, in the first place the matter had happened in time of peace, and in the next, the military establishment voted at that period was a peace establishment. This precedent, therefore, not having been founded on any extraordinary occurrence or event, was not to be deemed a departure from the rule, as some had asserted; and by being an exception to it, it was a proof of the existence of the rule. The natural and unanswerable conclusion was that it merited admission, as a proof that such practices were never in existence.

Mr. Fox.

Mr. Fox said, that he must now yield to the necessity of rising in his own defence, because the right honourable and learned gentleman had applied to him to know, why he, when in office, had not made up his mind, or called out the militia. This question was put to him as a man, and not as a Minister; and though the right honourable and learned gentleman had exclaimed, heaven forbid that he (Mr. Fox) should be a Minister, he made little doubt but that, were he one, he might have many questions and much business to do with him, if he pleased. His answer to the question was short; he had been twice a Minister, it was true; but the first time was a period of war, and consequently nothing could be drawn from his conduct at that time, applicable to a question about calling out the militia in time of peace; the second time he was in office, he remained there about nine months only, so that he had not had time to shew what his plan respecting the militia might have been; but, had he remained three months longer in office, possibly he might have thought it proper to call out the militia; and as it might have been done within the year, there was no ground for saying to a certainty that he would not have done it had he continued during a year in office. But thus much was certain, that he would have depended greatly upon the opinion of professional men, in the forming a decided opinion on that head; nor would he have been so *inops consilii*, as not to have been able to find men of proper talents to advise with; and after

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Mr. Sheridan conceived that Government, knowing the inefficacy of the India bill and judicature, wished to get rid of the latter, by giving notice of a ballot, in the hope that a notice for attendance would prevent attendance. For his part he thought, that if none should attend but those who regarded the regulation and the law as salutary, there would never be two hundred members present to ballot for that tribunal. He therefore supposed that the learned and right honourable gentleman would propose some coercive measure, either by a short bill, or a call of the House at a short notice, to procure a sufficient attendance. At all events the sense of the House ought soon to be taken on that subject, as petitions were on their way from India, praying a repeal of the act, as far as it related to the judicature; and if a question were not soon proposed upon that point by the learned and right honourable gentleman, he himself would bring on one very shortly. Mr. Sheridan.

Mr. Chancellor Pitt remarked, that as the honourable member who spoke last, wished ardently to defeat the election of members to compose that judicature, he hoped he would attend, with all his friends, in order to defeat it, which must necessarily be the case if the majority of the House was against it, and did not think it a salutary regulation. Mr. Chancellor Pitt.

Mr. Courtenay expressed his concern at having cause to think Ministers were in earnest when they talked of the ballot, for he really conceived a hope that the learned and right honourable gentlemen had given notice of it, in order that he might deter members from attending, that thus a regulation which all thought absurd, might fall to the ground of itself; and that he might thus avoid the mortification of being obliged to repeat what he and his right honourable friend at the head of His Majesty's counsels, had so often declared to be a salutary and an essential part of their plan for governing India, but upon which point they had since had reason to alter their opinion. Mr. Courtenay.

The House now adjourned to

Friday, 10th February.

Mr. Gilbert having brought up the report from the Committee of Supply, of the vote of the army; it was read the first time, and, a motion being made for its second reading, Mr.

Mr. Steele. Mr. *Steele*, observing that he believed no person would consider he was hostile to the motion, added that his only reason for rising was to rescue his right honourable friend (Mr. Pitt) from the imputation thrown out upon him on the preceding Wednesday, that he despised and trampled upon the orders and forms of the House, in proposing to have the army voted before the estimate had lain a week upon the table. A noble Lord (North) whose opinion always carried with it great weight, had said that the week should be taken exclusive of the day on which the estimate was produced. But having since looked into the Journals, he found, that the precedent quoted on Wednesday last by an honourable friend, (Mr. Rose) was not the only one which might have been produced; it was not, what it had been called, "a single swallow;" for he could follow it up with a whole flight of swallows, and shew that, during a period of twenty years, there were four or five precedents where the army had been voted precisely within the same distance of time after the presenting of the estimate which had elapsed this year; and *seven*, where it had been voted within a much shorter distance; as he had committed these precedents to writing, he should beg leave to read them; and, *then*, it would appear that—

Mr. Sheridan.

Mr. *Sheridan* declared, that he must take the liberty immediately to interrupt the honourable member, because he had violated order in speaking from the question, which was, for the second reading of the report; and in alluding to a former debate. His precedents would have been very proper on Wednesday, had he been apprized on that day of their existence: they would have been properly urged on that day to prove, that there was no deviation from the practice of the House: but, surely they came too late *now*, to prove that the right honourable gentleman acted right on Wednesday last, when, in defiance of the opinion of the Chair, and when he did not know that these precedents had ever existed, he moved to have the army estimate voted. The gentlemen on the other side, he supposed, had enjoyed the good fortune to be assisted since Wednesday by an industrious searcher (Mr. Eden) of the Journals, whom he had seen on the first day of the session in a new place in that House; but whom he had not seen since, who divided his principles and affection between both sides, giving his support to the one, and his good wishes to the other. The precedents however availed but little; for, it had not been denied, but that occasions might occur, which would warrant a departure from the general practice, but then it was urged that the reason of such departure ought to be stated and made appear, which no one had attempted on Wednesday last. Then it was that numbers of his honourable friends, as controversialists, enjoyed the pleasure of finding themselves under the crowded standard of the Chair

chair, in feeble opposition to which but one solitary precedent had arisen,

Mr. Steele answered, that he did not mean, either on Mr. Steele Wednesday last, or at present, to justify a departure from a practice or order of the House, but to maintain that no such practice or order existed. He then read the dates and years of the different precedents, and referred to the Journals for the authenticity.

The Speaker begged leave to remind the House of the facts as they have occurred; he then recapitulated what he had said when it was first moved to refer the estimates to the Committee on Wednesday, and observed that it rested with the House at the time to decide whether Wednesday was too early a day, and that the House had determined in the negative. The Speaker.

The Secretary at War desired permission, as a member of some standing, to give his opinion as to the practice, or rather the principle of the practice, of the House in respect to the time of having the estimates upon their table for some days previous to their voting them, and that undoubtedly was to prevent surprise. In the case in question, the Speaker had reminded the House of their right, and they had exercised it in agreeing to Wednesday when proposed; if in so determining the House had done wrong, the Secretary at War said, it would have been the Speaker's duty on any one of the intervening days between the nomination of the day of reference and the day itself, to have again stated, that the House had violated their practice, and have desired that a day subsequent to Wednesday might be chosen; this he had not done, and therefore it confirmed him in his opinion, that the whole lay in the discretion of the House. Secretary at War.

Mr. Courtenay remarked, that he could not avoid expressing his astonishment that the ingenuity of an honourable gentleman (Mr. Steele) did not suggest to him, that the string of precedents he had so exultingly produced that day from the Journals, did not militate against his own argument; as it was evident that the honourable gentleman and his friends were ignorant last Wednesday that any such precedents existed, when they had actually innovated on the established practice of the House, and slighted the authority of the Chair. Yet now, the honourable gentleman attempted to justify their former conduct. They rested the defence of their proceedings on Wednesday last, on precedents which they had discovered after infinite research upon the Friday following. This was entirely a new species of ministerial logic or sagacity. However, he would not press this point farther, lest he should repeat, in coarse or clumsy language, the arguments of his honourable friend. (Mr. Sheridan.) Mr. Courtenay.

and again incur the invidious sarcasm of a right honourable gentleman, (Mr. Dundas) who was perhaps justly jealous of his attempting to imitate his style, and of transferring to himself that characteristic of it, by which the right honourable gentleman was so singularly distinguished. He was aware, if he succeeded, how much the right honourable gentleman's reputation might be diminished—and his interest hurt in any future political arrangement that might eventually take place between him and the noble Lord in the blue ribband, or another right honourable gentleman, (Mr. Fox.) However, he would candidly confess, that the learned gentleman had sufficient reason to be alarmed, and had great authority to apologize for the impatience and apprehension which he expressed at the attempt. He was in a similar predicament with the celebrated irritable critic, Dennis, who (like the learned gentleman) had invented a new species of play-house thunder; and appeared so jealous of his exclusive property, that one night hearing a *coarse, clumsy* grumbling in the theatric sky, he exclaimed in a rage. "By Heavens that's my thunder!" The gentleman's sagacity would make the application.

Mr. Dundas.

Mr. Dundas replied, that it could not be expected that he was ready with a cut and dry answer; but when it was the intention of that honourable gentleman to study a piece of wit at his expence, he begged he would be so good as to give him notice of it, that he might make preparation of a piece of wit likewise. Mr. Courtenay was on the point of answering, when

Mr. Wilberforce.

Mr. Wilberforce expressed his wishes that the House would consider themselves as assembled for more serious purposes than to crack jokes.

Mr. Courtenay, rising a third time, was immediately called to order by

Mr. W. W. Grenville.

The right honourable W. W. Grenville; who observed, that the honourable gentleman could not possibly rise to explain, as the right honourable gentleman who had spoke before him (Mr. Dundas) had not taken any notice whatever of any part of his speech; Mr. Grenville then proceeded to reason on the exceptions which had been produced, and commended his honourable friend, for having in so proper a manner rescued his right honourable friend from the imputation that had been endeavoured to be cast on him by the other side of the House. Mr. Grenville said that it was now clear that the practice which had been assumed by those gentlemen, and asserted by them with so much confidence to have been the uniform, invariable practice of the House, in fact never had been the practice of the House, but that the House had at all times, and on all occasions, exercised their own

A. 1786.

DEBATES.

own discretion, as they had done in the late instance of the army estimates.

Mr. *Fyner* declaring that *he*, also, rose to order, added Mr. V that the last honourable gentleman could not be considered as defending it since he had interrupted another honourable gentleman who had a right to be heard first.

The *Speaker* observed that he regarded the honourable gentleman alluded to, as having waved his right of priority. The Speak

Mr. *Courtenay* declared that he had not, but all he meant Mr. C to have said, was, that his piece of wit should hereafter lie day. eight days on the table, to give the right honourable gentleman time enough to make a preparation of wit in reply, and then the House would be able to judge whether the reply was wit or no.

Mr. *W. Grenville* answered that if the honourable gentleman Mr. V had been so long interrupted as not to have been able to Grenv have found any opportunity of saying what they had just heard, the House would have sustained no loss. With respect to the practice of the House in regard to estimates of any kind laying upon the table, he should still contend that it lay wholly in the discretion of the House to declare during what time papers should be there, prior to their being referred to a Committee of Supply. As a proof that the fact was so, Mr. Grenville read one of the standing orders, the purport of which was, "that all estimates for aids to be levied on the subject should not be voted, presently after they were introduced and laid on the table, but that the House should order them to be considered and voted on another day." This standing order, Mr. Grenville said, was a clear written rule of proceeding, on which the House might rely with safety, which it was impossible for them to do, on any assumed practice of the House, however confidently asserted.

The resolutions were read a second time, and the question put upon each separately. They were all agreed to, and the Secretary at War ordered to bring in a bill grounded upon them.

The Surveyor General of the Ordnance (Mr. Luttrell) brought up the ordnance estimates, which were ordered to be printed.

The *Chancellor of the Exchequer* next brought up the estimate of the expence of erecting fortifications for the protection and security of the dock-yards, which was likewise ordered to be printed. On this occasion, he observed that he considered it as requisite to give notice to the House of such circumstances, relating to the paper which he had laid upon the table, as would assist them more clearly to comprehend, and be prepared for the question which would arise upon it Mr C on Monday se'nnight; at the same time, however, he should cellor

presided in it would, therefore, please to declare his opinion on the subject, and his decision should determine his vote.

The House cried out "*Chair, Chair!*" upon which the Speaker rose, and observed that he trusted it would prove sufficient to repeat what he had said on the subject a few days ago, when the Secretary at War gave notice that he would move that the army estimates should on the present day be referred to the Committee of supply.—On that occasion, he had thought it his duty to state, that it was the practice of the House to let the army estimates lie eight days upon the table, before they suffered them to be referred to the Committee of Supply. He found, on that occasion (when he delivered his opinion), that the sense of the House seemed not to be in favour of that practice; upon which he observed that the House was certainly at liberty to change the order of its proceedings; but that he thought it his duty to state the practice, leaving it to the House to determine, whether it should be still followed.

Mr. Dundas having signified his veneration for the Chair, added, that in dissenting from it at present, he was countenanced by those who were ultimately to decide in such a point—the House at large. The honourable gentleman who had spoken immediately before the opinion was given from the Chair, had not used any new arguments, but merely repeated, in coarse and clumsy language, the preceding arguments of others. He had also indulged himself in licentiously attacking his right honourable friend, (the Chancellor of the Exchequer) endeavouring to represent him as an enemy to the militia; but should his right honourable friend think proper to make any reply to what had been urged against him on that head, he must have a much higher opinion of the arguments of that honourable gentleman than either he or (he believed) the House could possibly entertain. The honourable gentleman thought proper to observe, that his two right honourable friends (Mr. Pitt, and Mr. Grenville,) appeared constantly to agree with the Public upon all those principles, which were regarded sacred by the country; but that by riding off upon a distinction, they never failed to find a pretence for defeating the wishes of the People, and avoiding an agreement in the conclusion which might be deduced from the principles. But this was not the case; and it was only by misrepresentation that any colour could be given for such an assertion: for in no part of what the Chancellor of the Exchequer had said, could there be found the least reason for concluding that he was an enemy to the militia. Indeed the very reverse appeared; and all that could be said against him on that head was, that he remained as yet unprepared to give as decided an opinion upon one particu-

lar point as other gentlemen were who had made it the subject of their study for many months past. Mr. Dundas said, that he must now beg leave to take notice of a sophism, used by a right honourable gentleman, (Mr. Fox) who observed, that he could not believe that his right honourable friend had not yet formed a decided opinion relative to the calling out the militia annually, and for this reason, that, as a Minister, he must long since have determined what was to be the plan of national defence for the present year; and hence he inferred, that however the Chancellor of the Exchequer might wish to deny it, he had actually made up his mind on the question of calling out the militia, though he would not venture to state his opinion to the House. He agreed with the right honourable gentleman in his premises; that his right honourable friend, as a Minister, must have made up his mind respecting the national defence for the present year; but it by no means followed from this, that he had formed a decided opinion on the propriety of calling out the militia annually; for certainly, a very great difference existed between the general plan of defence, and a particular regulation, because the calling out of the militia was no more than a regulation of a part of the existing defence of the country. On this occasion he must remark, that the very right honourable gentleman, who was foremost in attacking his right honourable friend, for not having already made up his mind upon that point, did not, even at the present moment, possess a decided opinion on the subject—and he was not an ordinary man—for although out of office, he had been twice a Minister—He should, therefore, beg leave to ask him, not as a Minister, (and heaven forbid that he were at this moment!) but as a gentleman who had been a Minister, why he did not make up his mind on the subject at either of the two periods when he had a share in the direction of His Majesty's Counsels, as during neither he had called out the militia. As to the point of order, and with respect to himself, it was a matter of indifference whether the army was voted on the present day, or on the ensuing Friday; but he was very much surprised indeed, that gentlemen should assume what they were not able to prove; and his surprise was heightened, when he saw them persevere in defending a position, in defiance of evidence. They had been pleased to assert, that it was the invariable practice of the House not to vote the army estimates, until they had lain upon the table eight days; but, unfortunately for them, an honourable gentleman (Mr. Rose), who had not been in the House when the debate began, but who bearing upon what it ran, opened the Journals, and the very *first passage which caught his eye*, afforded the most complete

refutation of their doctrine, it appearing that in the year 1774, the estimates of the army had been voted in four days after they had been laid upon the table. He made no doubt but that the Journals contained hundreds of similar precedents to beat down the doctrine so confidently assumed by the gentlemen on the other side of the House. It was rather singular that his noble friend in the blue ribband, should have forgotten, the case which had been quoted from the Journals, as it happened during his own Administration. In order to overturn the consequence that was fairly deducible from it, his noble friend ought to shew that the case happened either during a war, or upon some pressing emergency, that would warrant a departure from a general rule: but this he could not do; for, in the first place the matter had happened in time of peace, and in the next, the military establishment voted at that period was a peace establishment. This precedent, therefore, not having been founded on any extraordinary occurrence or event, was not to be deemed a departure from the rule, as some had asserted; and by being an exception to it, it was a proof of the existence of the rule. The natural and unanswerable conclusion was that it merited admission, as a proof that such practices were never in existence.

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Mr. *Dundas* replied, that the first time he should see two hundred members in the House, he would abruptly move for a ballot, at the moment; but he still hoped that the majority of the House would attend voluntarily to carry into effect a salutary regulation in a salutary law. Mr. Dundas.

Mr. *Sheridan* conceived that Government, knowing the inefficacy of the India bill and judicature, wished to get rid of the latter, by giving notice of a ballot, in the hope that a notice for attendance would prevent attendance. For his part he thought, that if none should attend but those who regarded the regulation and the law as salutary, there would never be two hundred members present to ballot for that tribunal. He therefore supposed that the learned and right honourable gentleman would propose some coercive measure, either by a short bill, or a call of the House at a short notice, to procure a sufficient attendance. At all events the sense of the House ought soon to be taken on that subject, as petitions were on their way from India, praying a repeal of the act, as far as it related to the judicature; and if a question were not soon proposed upon that point by the learned and right honourable gentleman, he himself would bring on one very shortly. Mr. Sheridan.

Mr. *Chancellor Pitt* remarked, that as the honourable member who spoke last, wished ardently to defeat the election of members to compose that judicature, he hoped he would attend, with all his friends, in order to defeat it, which must necessarily be the case if the majority of the House was against it, and did not think it a salutary regulation. Mr. Chancellor Pitt.

Mr. *Courtenay* expressed his concern at having cause to think Ministers were in earnest when they talked of the ballot, for he really conceived a hope that the learned and right honourable gentlemen had given notice of it, in order that he might deter members from attending, that thus a regulation which all thought absurd, might fall to the ground of itself; and that he might thus avoid the mortification of being obliged to repeat what he and his right honourable friend at the head of His Majesty's counsels, had so often declared to be a salutary and an essential part of their plan for governing India, but upon which point they had since had reason to alter their opinion. Mr. Courtenay.

The House now adjourned to

Friday, 10th February.

Mr. Gilbert having brought up the report from the Committee of Supply, of the vote of the army; it was read the first time, and, a motion being made for its second reading, Mr.

Mr. Steele. Mr. *Steele*, observing that he believed no person would consider he was hostile to the motion, added that his only reason for rising was to rescue his right honourable friend (Mr. Pitt) from the imputation thrown out upon him on the preceding Wednesday, that he despised and trampled upon the orders and forms of the House, in proposing to have the army voted before the estimate had lain a week upon the table. A noble Lord (North) whose opinion always carried with it great weight, had said that the week should be taken exclusive of the day on which the estimate was produced. But having since looked into the Journals, he found, that the precedent quoted on Wednesday last by an honourable friend, (Mr. Rose) was not the only one which might have been produced; it was not, what it had been called, "a single swallow;" for he could follow it up with a whole flight of swallows, and shew that, during a period of twenty years, there were four or five precedents where the army had been voted precisely within the same distance of time after the presenting of the estimate which had elapsed this year; and *several*, where it had been voted within a much shorter distance; as he had committed these precedents to writing, he should beg leave to read them; and, *then*, it would appear that—

Mr. Sheridan.

Mr. *Sheridan* declared, that he must take the liberty immediately to interrupt the honourable member, because he had violated order in speaking from the question, which was, for the second reading of the report; and in alluding to a former debate. His precedents would have been very proper on Wednesday, had he been apprized on that day of their existence: they would have been properly urged on that day to prove, that there was no deviation from the practice of the House: but, surely they came too late *now*, to prove that the right honourable gentleman acted right on Wednesday last, when, in defiance of the opinion of the Chair, and when he did not know that these precedents had ever existed, he moved to have the army estimate voted. The gentlemen on the other side, he supposed, had enjoyed the good fortune to be assisted since Wednesday by an industrious searcher (Mr. Eden) of the Journals, whom he had seen on the first day of the session in a new place in that House; but whom he had not seen since, who divided his principles and affection between both sides, giving his support to the one, and his good wishes to the other. The precedents however availed but little; for, it had not been denied, but that occasions might occur, which would warrant a departure from the general practice, but then it was urged that the reason of such departure ought to be stated and made appear, which no one had attempted on Wednesday last. Then it was that numbers of his honourable friends, as controversialists, enjoyed the pleasure of finding themselves under the crowded standard of the Chair

chair, in feeble opposition to which but one solitary precedent had arisen,

Mr. Steele answered, that he did not mean, either on Mr. Steele Wednesday last, or at present, to justify a departure from a practice or order of the House, but to maintain that no such practice or order existed. He then read the dates and years of the different precedents, and referred to the Journals for the authenticity.

The Speaker begged leave to remind the House of the facts as they have occurred; he then recapitulated what he had said when it was first moved to refer the estimates to the Committee on Wednesday, and observed that it rested with the House at the time to decide whether Wednesday was too early a day, and that the House had determined in the negative. The Speaker.

The Secretary at War desired permission, as a member of some standing, to give his opinion as to the practice, or rather the principle of the practice, of the House in respect to the time of having the estimates upon their table for some days previous to their voting them, and that undoubtedly was to prevent surprise. In the case in question, the Speaker had reminded the House of their right, and they had exercised it in agreeing to Wednesday when proposed; if in so determining the House had done wrong, the Secretary at War said, it would have been the Speaker's duty on any one of the intervening days between the nomination of the day of reference and the day itself, to have again stated, that the House had violated their practice, and have desired that a day subsequent to Wednesday might be chosen; this he had not done, and therefore it confirmed him in his opinion, that the whole lay in the discretion of the House. Secretary at War.

Mr. Courtenay remarked, that he could not avoid expressing his astonishment that the ingenuity of an honourable gentleman (Mr. Steele) did not suggest to him, that the string of precedents he had so exultingly produced that day from the Journals, did not militate against his own argument; as it was evident that the honourable gentleman and his friends were ignorant last Wednesday that any such precedents existed, when they had actually innovated on the established practice of the House, and slighted the authority of the Chair. Yet now, the honourable gentleman attempted to justify their former conduct. They rested the defence of their proceedings on Wednesday last, on precedents which they had discovered after infinite research upon the Friday following. This was entirely a new species of ministerial logic or sagacity. However, he would not press this point farther, lest he should repeat, in coarse or clumsy language, the arguments of his honourable friend (Mr. Sheridan).

and again incur the invidious sarcasm of a right honourable gentleman, (Mr. Dundas) who was perhaps justly jealous of his attempting to imitate his style, and of transferring to himself that characteristic of it, by which the right honourable gentleman was so singularly distinguished. He was aware, if he succeeded, how much the right honourable gentleman's reputation might be diminished—and his interest hurt in any future political arrangement that might eventually take place between him and the noble Lord in the blue ribband, or another right honourable gentleman, (Mr. Fox.) However, he would candidly confess, that the learned gentleman had sufficient reason to be alarmed, and had great authority to apologize for the impatience and apprehension which he expressed at the attempt. He was in a similar predicament with the celebrated irritable critic, Dennis, who (like the learned gentleman) had invented a new species of play-house thunder; and appeared so jealous of his exclusive property, that one night hearing a *coarse, clumsy* grumbling in the theatric sky, he exclaimed in a rage. "By Heavens that's my thunder!" The gentleman's sagacity would make the application.

Mr. Dundas.

Mr. Dundas replied, that it could not be expected that he was ready with a cut and dry answer; but when it was the intention of that honourable gentleman to study a piece of wit at his expence, he begged he would be so good as to give him notice of it, that he might make preparation of a piece of wit likewise. Mr. Courtenay was on the point of answering, when

Mr. Wilberforce.

Mr. Wilberforce expressed his wishes that the House would consider themselves as assembled for more serious purposes than to crack jokes.

Mr. Courtenay, rising a third time, was immediately called to order by

Mr. W. W. Grenville.

The right honourable W. W. Grenville; who observed, that the honourable gentleman could not possibly rise to explain, as the right honourable gentleman who had spoke before him (Mr. Dundas) had not taken any notice whatever of any part of his speech; Mr. Grenville then proceeded to reason on the exceptions which had been produced, and commended his honourable friend, for having in so proper a manner rescued his right honourable friend from the imputation that had been endeavoured to be cast on him by the other side of the House. Mr. Grenville said that it was now clear that the practice which had been assumed by those gentlemen, and asserted by them with so much confidence to have been the uniform, invariable practice of the House, in fact never had been the practice of the House, but that the House had at all times, and on all occasions, exercised their own

own discretion, as they had done in the late instance of the army estimates.

Mr. *Vyner* declaring that *he*, also, rose to order, added Mr. *Vyner*. that the last honourable gentleman could not be considered as defending it since he had interrupted another honourable gentleman who had a right to be heard first.

The *Speaker* observed that he regarded the honourable gentleman alluded to, as having waved his right of priority. The Speaker.

Mr. *Courtenay* declared that he had not, but all he meant to have said, was, that his piece of wit should hereafter lie eight days on the table, to give the right honourable gentleman time enough to make a preparation of wit in reply, and then the House would be able to judge whether the reply was wit or no. Mr. Courtenay.

Mr. *W. Grenville* answered that if the honourable gentleman had been so long interrupted as not to have been able to have found any opportunity of saying what they had just heard, the House would have sustained no loss. With respect to the practice of the House in regard to estimates of any kind laying upon the table, he should still contend that it lay wholly in the discretion of the House to declare during what time papers should be there, prior to their being referred to a Committee of Supply. As a proof that the fact was so, Mr. Grenville read one of the standing orders, the purport of which was, "that all estimates for aids to be levied on the subject should not be voted, presently after they were introduced and laid on the table, but that the House should order them to be considered and voted on another day." This standing order, Mr. Grenville said, was a clear written rule of proceeding, on which the House might rely with safety, which it was impossible for them to do, on any assumed practice of the House, however confidently asserted. Mr. W. Grenville.

The resolutions were read a second time, and the question put upon each separately. They were all agreed to, and the Secretary at War ordered to bring in a bill grounded upon them.

The Surveyor General of the Ordnance (Mr. *Luttrell*) brought up the ordnance estimates, which were ordered to be printed.

The *Chancellor of the Exchequer* next brought up the estimate of the expence of erecting fortifications for the protection and security of the dock-yards, which was likewise ordered to be printed. On this occasion, he observed that he considered it as requisite to give notice to the House of such circumstances, relating to the paper which he had laid upon the table, as would assist them more clearly to comprehend, and be prepared for the question which would arise upon it on Monday se'nnight; at the same time, however, he should Mr. Chancellor Pitt.

for the present decline entering into any argument whatsoever concerning it. The year before last the sum of 50,000*l.* had been voted to the ordnance service for the purpose of fortifications;—that sum had been suffered to lie dormant without applying it to the purpose for which it was intended, and, consequently, during the course of the preceding session when the ordnance estimates were moved, intimation was given to that House that that sum continuing in the hands of the Board of Ordnance rendered it unnecessary for any application to be then made to Parliament for money to carry on the fortifications already begun, as they intended to apply the sum voted for this purpose. Hereupon some dissatisfaction arising in the minds of a part of the House, from an idea that the plan of fortifications was useless and objectionable, he had, to prove how anxious he was on all occasions to do his duty as guardian of the national purse, undertaken to wave, for that time, any farther proceeding in the business, until a board of inquiry should have been appointed, consisting of several officers of distinguished character in both the naval and military services, and the whole plan should have been referred to them for their opinion and advice. That accordingly such a board had been appointed, and his majesty had commissioned them to proceed in the most effectual manner, as well by actual survey upon the spot, as by all other modes of investigation to inform themselves on the subject, and to make a report of their opinions concerning it. This Board, he said, consisted of officers whose reputations, when their names were heard, would prove the sincerity of the intentions of government with regard to the business. Several specific subjects were proposed to this board for their inquiry, among which it was particularly referred to them, to ascertain, whether our dock yards at Plymouth and Portsmouth could be thought safe and defensible, in the event of a war, by a naval force alone, by a military force alone, or by a naval and military force combined?—To this their answer was, that neither a naval nor a military force, nor even a union of both, were by any means a sufficient security for the dock yards, independent of fortification. They were farther directed to examine whether the plans of fortification proposed by the Master General of the Ordnance, were sufficiently calculated for the purpose, and such as were eligible to be adopted. To this they had reported, that on the most mature deliberation and most diligent inquiry, the plan alluded to was thought perfectly adequate to the defence intended, and that it was the most eligible of any other that could be suggested; not only as being least expensive in regard to erection, but also as requiring a smaller force to man than any other that could be proposed. They likewise received instructions

directions to report to His Majesty such farther matter as might occur independent of the particular points referred to them; and they might think conducive to the public advantage within the whole department,—and they had consequently given many useful hints of a miscellaneous and general nature, which, he hoped, would turn out to considerable advantage. After their report had been completed, the plans which they recommended had been laid before the board of engineers, with directions to estimate the expence of carrying them into execution; and this estimate he had now brought up for the information of the members; but they must see how imprudent it would be for him to lay before the public a matter of so serious and delicate a nature as the report of the naval and military officers, concerning so important and so serious a subject as the defence of our dock yards. To proceed in carrying into execution the subject matter of the report of these officers, 50,000*l.* would for the present be necessary; but as that sum had already been voted for the service of the Ordnance, with a view to apply it in the manner now under consideration, there was no necessity of recurring to Parliament for a second vote; and the mode intended to be adopted was to move for 300,000*l.* the estimates of the services of the current year, and if gentlemen thought proper to oppose the carrying on of the fortifications, the method in which they could with the greatest propriety argue that question, would be by moving that 250,000*l.* only, instead of 300,000*l.* should be voted for the Ordnance, that thus the board might become obliged to apply the 50,000*l.* in hand to the current service, and by that means the business of the fortifications must of necessity drop. He trusted, and must beg leave to express his earnest wishes that gentlemen would come down to the House free from every prejudice on the present occasion, without regarding it as a mere question of ordnance service, or fortification, but to meet it as what, in truth, it was, a naval question, the present measure being intended to protect the seeds of the vital sources of our navy at home, and to enable us in cases of necessity to go upon distant services, without an apprehension of being crushed at home by a successful attack of an enemy upon those dock yards, in which were deposited the stamina of our future vigour and existence. Nor could he, at this juncture, deem himself justified, were he to neglect cautioning the House against the danger of taking up the business as the suggestion of any one man, however great and respectable, or avoid declaring, that they were not to consider it as a mere assertion of an individual, or of a single minister, but as a matter resting on the authority of a number of the ablest and most experienced men in the two professions of arms; rendered still more competent

to the task by a long and most minute investigation and research.

General Burgoyne.

General Burgoyne remarked that the occasion of his rising was, in some measure, to avoid a debate in that stage of the business, which was extremely delicate in its nature, and in some measure, to take care, lest in consequence of a reprehensible silence, he should be considered as admitting the suggestions of the right honourable gentleman in their utmost extent, as a correct representation of the report of the board of naval and military officers appointed to inspect the proposed plans of fortifying the dock yards. He hoped, and trusted, the minister would lay before the House so much of the report as might be submitted to public perusal without violation of discretion or danger to the state. In the report, undoubtedly there were parts which it would be extremely indiscreet to make a matter of notoriety; and those he neither wished nor expected to see.

Mr. Chancellor Pitt.

The *Chancellor of the Exchequer* answered that he had not stated any thing lightly, but from a collected and attentive consideration; that it would appear that what he had said upon the subject was perfectly true and candid; and that however closely and minutely he had already examined the report, he would still farther study it before the day appointed for the debate.

Mr. Sheridan.

Mr. Sheridan observed that unless the House were to be shewn such parts of the report of the Board of inspection as called for their discussion, they were exactly in the same situation in which they stood before that Board was appointed, and instead of having the whole of the question fully before them as the right honourable gentleman had said they would have it, viz. not on the assertion of an individual, of a single minister, nor of any man in office, but on the authority of a board consisting of naval and military officers of known character, experience and integrity, they would have nothing but the bare assertion of the minister, as a guidance for their judgement. For his own part he would not entertain a doubt but that the right honourable gentleman meant to be accurate in the statement which he had just made, as a statement of the outlines of the report in question, and that he had delivered what he himself conceived to be a correct statement of those outlines; but the House had heard that statement contradicted by the honourable general behind him, who had himself been a member of that board. In order therefore to enable the House to judge fairly between the right honourable gentleman and the honourable general, they ought to see such parts of the report at least as might be submitted to their perusal with safety to the state.

Mrs.

Mr. *Dempster* contended that, under the idea of a determination to apply the surplus of the revenue to a sinking fund for the diminution of the national debt, it must naturally follow that to sacrifice any part of it to a speculative object like the present, would prove excessively improper. For his own part, he pretended to know little about fortifications, but unless they were found to be indispensably necessary for the defence of our dock yards, he hoped and trusted that Parliament would not squander away any of that money upon them, which might be laid out to such advantage as diminishing the national debt, and of course reviving the public credit, which he thought preferable, even for the preservation of the navy itself, and the strongest means of defence in case of a war, as it would enable us to make such exertions as in our present oppressed state we must despair of doing.

Mr.
Dempster.

Mr. *Pitt* replied, that the sentiments of the honourable gentleman were perfectly coincident with his own, as far as they could relate to the impropriety of the House consenting to the fortifications, unless they appeared absolutely indispensable, for, he by no means thought that, on the present question, the House should be governed in their determination by the *quantum* of the surplus of the revenue, but solely by the necessity of the measure towards the defence of the navy. Let the surplus prove ever so great, it ought not to operate as a motive, nor could it be any excuse for laying out any part of it on an useless project, but though there were no surplus at all, if a measure appeared necessary for the security of that great bulwark of our glory and strength, the navy, the expense of carrying it into execution, should, on no account, stand as an obstacle, for, in that case, however difficult and distressing it might be, it would behove Parliament to provide the means.—Our being rich was no reason why we should grow profuse and prodigal, nor though we were poor should we therefore abandon our necessary defence. If we were rich, let us increase our riches; and if we were poor, let us endeavour to diminish our poverty by every saving which did not militate against the real safety of our dominions; but let us not, on any occasion, suffer ourselves to be betrayed by prosperity into extravagance, nor led by adversity into despondence:—yet, ill would it become us, whatsoever occasion might arise, to permit either prosperity to seduce us into wanton extravagancies, or misfortune to plunge us in unavailing despondence.

Mr. Chan-
cellor Pitt.

Mr. *Vyner* observed, that it would have given him pleasure to have discovered a tolerably certain prospect, that the estimates of the ordnance for the current service of the year, would become voted regularly on Monday se'nnight, and the question relative to the estimate of the fortifications reserved.

served for a future and distinct consideration. This would not retard the dispatch of the public business, but, on the contrary, give gentlemen an opportunity of properly and maturely deliberating upon a subject so new even in idea, that, for one, he could not persuade himself that he should ever agree to it. The navy of England had hitherto been constantly regarded as a sufficient security for our dock yards, and as they continued safe for such a long course of years without fortifications, he must look for the most convincing proofs of the absolute necessity for the measure, before he should consent to vote any of the public money for such a purpose; and, under this consideration, he flattered himself that the right honourable gentleman would not deny the House any part of the Report which merited examination, and the perusal of which was not forbidden by discretion.

Mr. Courtenay.

Mr. Courtenay said, that he did not mean, at present to argue on the propriety or impropriety of the proposed fortification. He rose, in the first place, to thank the Chancellor of the Exchequer for the very clear, explicit, accurate, and satisfactory detail which he had entered into, on the principal thing on which a Board of naval and land officers, to examine and report the plan proposed to the noble Duke at the head of the Ordnance, had been established. He should only observe, that it appeared to him, that such a military judicature was instituted for the express purpose of putting the noble Duke's office into commission, and to report their opinion on the judgement, and the military or engineering capacity of the noble Duke, who had submitted a plan of defence for the protection of the dock yards to the representatives of the people; but they, from a well-intended, but groundless suspicion perhaps of the noble Duke's experience or abilities for such an extensive plan (attended with an enormous expence) required, and almost compelled the Minister, to acquiesce in their sentiments, and to suspend the execution of the proposed works, till a Board of naval and land officers had made plausible, at least, such a system, by their approbation and authority. The Chancellor of the Exchequer seemingly submitted to the strong reasons, strong numbers, and forcible objections, of numbers of men, respectable country gentlemen, who might always, if they exerted themselves, command the attention, and restrain the excesses, of any Minister. However, when the commission was made out, the public was surprised that the noble Duke was appointed president of a tribunal, whose duty it was, and who were probably instructed, to investigate the noble Duke's system of expence, and report to the King their opinions concerning both the practicability of the plan, and the judgement and capacity of the projector.

Mr. Courtenay.

Mr. Courtenay therefore said he meant, if the Chancellor of the Exchequer had no objection, to move for the Commissioners' instructions, which were given to the noble Duke on his being appointed president of that Board. At the same time, Mr. Courtenay farther observed upon the difference of opinion between the Chancellor of the Exchequer and the honourable General, the first having declared that no part whatever of the Report made by the military Board, could with any degree of safety be laid before the public; but the honourable General had, on the contrary, declared, that much useful information might be collected by the House from that Report, without the smallest risque or hazard of divulging any thing that could endanger the public safety. Mr. Courtenay expressed the admiration in which he held the abilities of the Chancellor of the Exchequer; but, on this particular point, (being not only a military point, but a point with which he was particularly conversant, from having been an officer of that Board) Mr. Courtenay said he could not help deciding in favour of the honourable General, against the opinion of the Chancellor of the Exchequer. He, therefore, could not help wishing, that such parts of the Report might be selected, under the check and control of the Ministers, as might be useful to the members of the House, without being detrimental to the public; and he urged the necessity of this, from the nature of the subject on which the House was called upon to form their judgement, the matter being out of the common course of parliamentary proceeding, and not only entitled them, but made it their duty, to call for every degree of information respecting it.

Mr. Luttrell observed, that he considered the conduct of Mr. Luttrell the honourable gentleman who spoke last as reprehensible, because it bore the appearance of an attempt to mislead the House, by an insinuation that some of the questions at the Board of Officers were carried by a majority of one single voice, and that the President's. For his part, he had been himself a member of that Board, and he would venture to stake his own knowledge against the speculation of the honourable gentleman—he could safely affirm that there was not a single question carried by a smaller majority than that of twenty to three.

Mr. Holdsworth remarked that, having, during the course of the preceding session, given his voice against suffering the fortifications to proceed, without obtaining some farther proof of their being necessary besides the mere claim of the money by the Board of Ordnance, he must now hold himself perfectly at liberty to act as might appear to him best, after the House should have become apprised of the opinion of the Board of Naval and Military Officers upon the subject, and

the matter have fallen under their immediate, regular, and deliberate investigation.

Mr. Courtenay.

Mr. *Courtenay* said, that he by no means intended to assert as a fact, that any question had been carried at the Board by the casting voice of the President; he had only supposed such a fact to strengthen his argument, which was, that the House could by no means judge, purely from the Report, of the justice and propriety of it, unless it was also accompanied with the minute, that so they might see the ground on which the Report had been made; but at present, deprived as they were of those minutes, they might, for all that appeared to them, be determining on a point which at the Board had been carried by a majority of one only. Mr. *Courtenay* repeated; that it was his intention to move for a copy of the Commission and instructions.

The Chancellor of the Exchequer.

The *Chancellor of the Exchequer* observed, that if the honourable gentleman persisted in his design, the proper method would be for him to move for an address to His Majesty to lay before the House the papers of which he appeared desirous; and thus the sense of the House would be known as to the propriety of making public a matter of so delicate a nature.

Mr. Courtenay.

Mr. *Courtenay* moved for the Commission appointing the Master General of the Ordnance President of the Board of Inquiry.

The Chancellor of the Exchequer.

The *Chancellor of the Exchequer* wished to be informed how the honourable gentleman had been induced to change his mind, and, contrary to the notice which he had just given, of making a motion on Thursday next, to make it on that day. This was an inconsistency to which the honourable gentleman had proceeded, he supposed, on very good grounds, and by very sound advice; yet candour seemed to call upon him for an explanation of his reasons.

Mr. Courtenay.

Mr. *Courtenay* said, that surely there could be no sort of objection to producing the commission by which the Master General of the Ordnance had been appointed President of a Board, which he again described as one instituted as a control upon himself.

Mr. Sheridan.

Mr. *Sheridan* contended, that no danger whatever could possibly arise from the circumstance of laying the instructions and commission before the House, but admitted that inconveniencies might follow the publication of the report of the officers.

The Chancellor of the Exchequer.

The *Chancellor of the Exchequer* expressed his surprise at the change which appeared to him to have taken place in the minds of the honourable gentlemen; they had appeared grievously offended but two days ago to find the army estimates taken into consideration before the navy, and yet now they were desirous of entering into a long debate on the ordnance and fortifications; a much less favourite subject, though by

o doing, they were postponing that service which, on all occasions, they seemed to have at heart; and which was no less than the service of the navy appointed for discussion upon that day:—to prevent, therefore, an abuse of time in long and useless conversation, he should move the order of the day.

Mr. Courtenay made his motion, but the order of the day was carried. Mr. Courtenay.

Monday, 13th February.

Mr. Jenkinson gave notice, that on the ensuing Friday he should move for leave to revive a Bill to regulate the intercourse between the States of America and the British dominions. Mr. Jenkinson.

Mr. Burke said, that he had conceived the design of giving notice of a motion for that day, which related to a subject of the highest consequence that could possibly fall under the examination of the Parliament. It was for the production of certain papers which he thought necessary to substantiate a charge which he had long intended to bring forward, and, indeed, which the House had long expected, and which the party against whom it was to be made, or, at least, a person nearly connected with him, had called on him to hasten. He looked upon the business as the greatest and most important criminal prosecution that ever had engaged the attention of any human tribunal. The House was prepared to receive it; the party was prepared to meet it, and he was prepared to introduce it;—he therefore wished to make no delay, and was sorry that the right honourable gentleman had occupied the next open day, because that might prove the means of postponing his motion, if a debate should arise on the bill to be moved for on Friday, according to the notice just given. Mr. Burke.

Mr. Jenkinson apprehended that there could be no debate of any length on his motion; and it was agreed that Mr. Burke's motion should be expected on Friday next; or if a debate should arise on the Intercourse Bill, that then it should be understood as to come on the next subsequent open day. Mr. Jenkinson.

The Chancellor of the Exchequer observed, that as the right honourable gentleman had given notice of his motion in so solemn a manner, as a prelude to a charge of the highest criminality that ever occupied the attention of a human judicature, he thought it would be more consistent with its importance, if he were to mention particularly what papers he intended to move for, because otherwise his notice would prove ineffectual towards preparing gentlemen for the debate. He urged this to the right honourable gentleman on the grounds of that fairness, candour and impartiality, by which every

every thing relating to a judicial process ought to be distinguished.

r. Burke. Mr. *Burke* replied, that he did not mean to bring forward any criminal charge on Friday, but only to move for preliminary papers necessary to ground that charge upon, the nature of which the House should be informed of on the ensuing Friday.

Major Scott. Major *Scott* observed, that the right honourable gentleman had undoubtedly pledged himself to proceed against Mr. *Hastings* three years ago; he had repeated the pledge during the course of the two following sessions, and particularly at the close of the last, when he declared his intention of proceeding as soon as the Parliament should have re-assembled. The Major added, that he was not versed in the mode of proceeding in that House; but he conceived, that after what the right honourable gentleman had said, of his readiness to proceed, he might as well then mention what papers he wanted, as postpone such a motion till Friday, by which means all farther delay would become avoided: a point the more to be wished for, because now, four years had elapsed since the right honourable gentleman's first pledge.

Vyner. Mr. *Vyner* desired that he might be permitted to trespass, during a short time, upon the attention of the House, whilst he briefly stated his reasons for a motion which he flattered himself would escape all objection, as it was merely calculated to oblige them to do their duty as members of Parliament. Previous to his putting any motion into the hands of the Speaker, he would state the reasons which induced him to bring it forward, and he hoped that those reasons would impress the minds of all present as forcibly as they had stricken him. The right honourable gentleman opposite to him had, with a degree of candour and fairness which did him great honour, and for which, in his mind, the House was highly indebted to him, given as specific a notice as ever was given by a Minister, that when the ordinance estimates were to be taken into consideration, it was intended that they should at the same time determine upon the great question of dock-yard fortification. The question Mr. *Vyner* declared to be, in his opinion, a question of infinite magnitude and importance; it led to considerations of the most serious consequence, and, perhaps, might go the extreme length of effecting a change in the government of the country; it was in all regards necessary, therefore, that the discussion of such a subject should come on before as full a House as could possibly be convened. The regular way of obtaining a full attendance, was by moving a call of the House, and as he meant to move a call with a view to the procuring a full attendance, he hoped the right honourable gentleman, with
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the same candour which prompted him to give so ample and fair a notice of the question, connected with the ordnance estimates, would agree to separate that question from the other, and let it lie over for the consideration of the House after the call had operated effectually. He had no wish, he declared, to delay the public business an hour, but was ready to vote the ordnance estimates forthwith. All he asked was, that before a question of the magnitude of that, respecting the fortifications intended to be erected for the defence of the dock yards, should fall under consideration, and become decided upon, the call might be allowed to take place, because, in his mind, it was due to their constituents, and due to the nation, that they should have the fullest opportunity of informing themselves upon the subject, before they passed a vote that would authorise a system of national defence extremely novel and extremely expensive. In conclusion Mr. Vyner moved, "That the House be called on Tuesday three weeks."

Mr. *Chancellor Pitt* answered, that it was not possible for him, upon any account whatsoever, much less on one of so important a nature as the ordnance estimates, and the question of fortifications, with which it was united, to harbour even the most distant objection against the use of all methods to enforce a complete attendance of the House; but he could not assent to the procrastination of that business during the length of time desired by the honourable gentleman. It was difficult to account for the inconsistency with which gentlemen on the other side of the House endeavoured, on all occasions, to delay the business of the nation, after their complaining that the House had not made sufficient progress. As to the term novel, which the honourable gentleman had applied to the business of the fortifications, he certainly could not mean to describe it as such, with respect to the degree of notoriety and expectancy with which it was attended; for, surely no object had ever come before Parliament with more preparation than it would appear, having now, been depending during the course of three sessions, and a Board of Naval and Land officers having been appointed to examine and report the propriety of the measure. So that evidently the House and the Public must be sufficiently apprised of the nature and extent of the business; nor could there arise any necessity whatsoever for putting off the final consideration of it to a more distant period than that already appointed. With these impressions it was impossible for him to avoid considering the motion of the honourable gentleman, as a measure of procrastination, and therefore should he meet it with an opposition.

Mr. *Fox* expressed his astonishment that the right honourable gentleman should have resisted the motion, because, in his opinion,

opinion, it was perfectly easy so to arrange the matter as not to lose a moment, in regard to the necessary dispatch of the public business, and at the same time to accommodate the wishes of the honourable gentleman who had made the motion, and of all who thought with him (as he had no doubt numbers did) that the question whether the fortifications of the dock yards should be adopted or not, was a question of the most serious importance. The right honourable gentleman had himself, in his speech on a former occasion, declared that those who were adverse to the proposed system of fortification, would naturally vote, that the sum to be granted to the ordnance for the estimates of the year should be 250,000*l.* instead of 300,000*l.* The case standing upon this ground, what objection could the right honourable gentleman entertain against their voting at once, next Monday, that 250,000*l.* be granted for the ordnance, and leaving it to be understood, that when a fit opportunity for a full and fair discussion of the fortification question offered, if it was then determined that the fortification system should be proceeded in, that an additional 50,000*l.* should be voted for the estimates of the ordnance? This would settle the point at once, and not check the necessary dispatch of business; but, taking the case another way, why not postpone the whole consideration, if it were true that the one question was inseparably implicated and involved in the other? This was but the month of February, and the ordnance estimates stood at present for Monday next. Was it possible for any sort of inconvenience to arise, if the consideration of these estimates and the vote of the money were to be delayed for a single fortnight? Mr. Fox declared it appeared to him to be absurd and fallacious to maintain that any inconvenience whatever would arise from so trifling a delay; and when the infinite importance of the vote they were to be called upon to give was duly considered, he hardly believed there was a man in the kingdom to be found who would not hold himself obliged to the House for its deliberation, and think they did their duty best, by not rashly and precipitately agreeing to a vote that was to entail on future Parliaments and on future constituents an expence, the size and extent of which he must suppose that no man living would take upon himself to define and describe. He reminded the House of the extreme and wide difference between the vote in question and all other votes. They were not to be called on to vote a stated sum, and by that vote to close the account; but they were to begin a series of votes which might entail upon the nation, and upon posterity, an endless system of charge, and an unlimited extent of expence. If a system, so far novel that few had made up their minds upon it, and upon which, for one, he had not made up his mind, was to be adopted blindly and

and precipitately, what infinite mischiefs might not ensue to the country? Several of those mischiefs the honourable gentleman who made the motion had glanced at, and, as it was undoubtedly possible that such might be the consequence, why would not the right honourable gentleman meet the motion fairly? The honourable mover, with a degree of candour which reflected much credit upon his conduct, had explained the purposes of his motion. This consideration, when added to the received opinion of its great importance, intitled him to the support of the House.

Mr. Martin said he had a great respect for the noble Duke ^{Mr. Mar-} at the head of the ordnance, and was inclined to think well of ^{him} him on many accounts, but he believed that it would be extremely difficult for that noble person to persuade him to change his mind, or to bring him to the opinion, that such a system of fortification as that proposed was actually necessary. Perhaps, when the matter came to be discussed, he should hear as an answer to the objections which might be stated against the plan, that although we had hitherto relied on our navy for the defence of our dock yards, yet at present our navy, compared with the naval force of the other powers of Europe, was not sufficiently superior to be trusted to solely. In that case, he should think it would be wiser to vote the 50,000*l.* in question towards increasing and strengthening our navy, than towards commencing the system of fortification proposed. With regard to the call, Mr. Martin said, he certainly would vote for the motion, but if it should be carried, he hoped it would be effectually enforced, because calls of the House, as generally executed, were, in his mind, the greatest forces imaginable.

Mr. P^{ier} begged leave to assure the House that he would ^{Mr. Vyner} not have made the motion, except from the fullest conviction, that the matter was of the first moment, and that it could not be too deliberately considered. He hoped, therefore, that the motion would be agreed to, and that the right honourable gentleman would consent to postpone the question of fortification till the call should have been made. As to himself he could declare, that no circumstance upon earth but a sense of his duty to his constituents and the nation should have induced him either to make the motion, or propose the delay. He had not the honour to be known to the noble Duke at this time at the head of the ordnance board; but if the noble Lord who had preceded him in office, to whom he was well known, and with whom he had lived on terms of intimacy all his life, had proposed the plan in question, he should have acted exactly in the same manner.

The question was at length put, and the House divided,

Ayes	-	-	-	-	54
Noes	-	-	-	-	100

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The House being resumed,

Mr. Fox.

Mr. Fox rose and signified his intention of making his motion on the election for Westminster. He remarked that those who had so often propagated opinions that he had not the fair and legal majority of votes for Westminster, and affected to doubt of his being suffered to remain its representative in the present Parliament, retained no longer the right to inculcate such doctrines or circulate any doubts concerning those points; because the persons to whom he alluded having abandoned the cause, of which they had been proud to avow themselves the champions, it was demonstrable that they knew all along, that they stood upon rotten ground, and that it was impossible for them to make good their insinuations before that tribunal legally constituted, and undoubtedly the best adapted to the discovery of the truth in matters of the nature in question. Had it been possible for them to stand at all before that tribunal, they would not thus have deserted the means of doing so. Nothing surely of animosity, nothing of chicanery, nothing of fallacy, or of art, had been wanting on the part of his political enemies, and therefore it was not to be supposed that any thing short of a firm conviction arising from the experience derived from a scrutiny, continued in different vestry rooms of the city of Westminster, for so many months together, could have induced them to drop the pursuit, and abandon all pretensions to carry it on any longer. Mr. Fox observed that he thought it necessary to say thus much on that occasion; and he had only to add, that though he should ever entertain an equal degree of respect and of gratitude for the electors of both the places which had done him the honour to return him, he should make his election for Westminster; he therefore moved, "That the Speaker do issue his warrant for the election of a representative to serve in Parliament for the Borough of Kirkwall."

Lord Hood.

Lord Hood said that he could not, without violence to his gratefully-respectful feelings for his constituents, avoid expressing his opinion that it reflected upon their conduct the highest credit that they had foreborne to present petitions against either his right honourable colleague or himself. A contrary procedure (but this, doubtless, their liberality and good sense discovered and avoided) would have rekindled animosities which ought, henceforward, to remain not merely extinguished, but buried in oblivion. Nor, perhaps, were a petition brought to the bar of the House, could any committee, howsoever judiciously chosen, acquire, by the utmost assiduity, discernment, unbiassed candour and activity, the power of so ascertaining the merits of the election, as to decide upon it with the strictest and most unequivocal justice.

Mr.

Mr. *Bastard* now rose, and remarked, that no matter stood Mr. Bastard more in need of regulation and reform, than the practice of the Ecclesiastical Courts, in a variety of different species of legal process and prosecution. On the present occasion, however, he did not mean to take up the time of the House by entering into a detail of all the arbitrary, severe, and unjust effects which had arisen, in consequence of the practices in question; because, he not only knew his own limited abilities, but would not wish to shock the feelings of the House, as a legislative body, by stating to them the degree of oppression which they had, for a series of years, suffered to exist in the country. He would content himself with moving for leave to bring in a Bill, and barely hint the objects to which that Bill would be directed. The first went to the abolition of the practice of prosecuting for anti-nuptial fornication as it stood at present. In order to prove that this point required immediate regulation, Mr. Bastard stated two or three cases, in which the parties had been prosecuted with great appearance of oppression; one in particular, the case of a man who had a suit commenced against him in the Ecclesiastical Court for anti-nuptial fornication six or seven years after his wife had been dead. Mr. Bastard said another object of this Bill, was to put a stop to all prosecutions for small tithes in the Ecclesiastical Court, and in the Court of Exchequer, and to put them on a footing more fit to be adopted. He had, he said, intended to have put into his Bill an extension of what was called the Lords act to debtors, to a limited amount; but as there was a bill, he understood, now pending in the other House, in which that very purpose was achieved, and as it was more proper for it to originate in that House, he had not interfered with it. In conclusion, he moved, "For leave to bring in a bill to prevent frivolous and vexatious suits in the Ecclesiastical Court, and for the more speedy recovery of small tithes."

Leave was given to bring in a Bill.

Lord *Mahon* next rose, and said that he was confident that Ld. Mahon. he should not be contradicted by any member of that House, when he laid it down as a fundamental principle of liberty in this country, that it is necessary to support the consequence of the House of Commons; and, in order to preserve the freedom of the people, and to secure their interests, that it is essential to maintain the full weight of that assembly in the scale of the constitution. But it is possible that there may exist out of that House some extraordinary character who may act on very different principles.

Every man of sense must know and feel, that it is the House of Commons that constitutes the chief bulwark of the people, and that forms the strong barrier against the power of the

served for a future and distinct consideration. This would not retard the dispatch of the public business, but, on the contrary, give gentlemen an opportunity of properly and maturely deliberating upon a subject so new even in idea, that, for one, he could not persuade himself that he should ever agree to it. The navy of England had hitherto been constantly regarded as a sufficient security for our dock yards, and as they continued safe for such a long course of years without fortifications, he must look for the most convincing proofs of the absolute necessity for the measure, before he should consent to vote any of the public money for such a purpose; and, under this consideration, he flattered himself that the right honourable gentleman would not deny the House any part of the Report which merited examination, and the perusal of which was not forbidden by discretion.

Mr. Courtenay.

Mr. *Courtenay* said, that he did not mean, at present to argue on the propriety or impropriety of the proposed fortification. He rose, in the first place, to thank the Chancellor of the Exchequer for the very clear, explicit, accurate, and satisfactory detail which he had entered into, on the principal thing on which a Board of naval and land officers, to examine and report the plan proposed to the noble Duke at the head of the Ordnance, had been established. He should only observe, that it appeared to him, that such a military judicature was instituted for the express purpose of putting the noble Duke's office into commission, and to report their opinion on the judgement, and the military or engineering capacity of the noble Duke, who had submitted a plan of defence for the protection of the dock yards to the representatives of the people; but they, from a well-intended, but groundless suspicion perhaps of the noble Duke's experience or abilities for such an extensive plan (attended with an enormous expence) required, and almost compelled the Minister, to acquiesce in their sentiments, and to suspend the execution of the proposed works, till a Board of naval and land officers had made plausible, at least, such a system, by their approbation and authority. The Chancellor of the Exchequer seemingly submitted to the strong reasons, strong numbers, and forcible objections, of numbers of men, respectable country gentlemen, who might always, if they exerted themselves, command the attention, and restrain the excesses, of any Minister. However, when the commission was made out, the public was surprised that the noble Duke was appointed president of a tribunal, whose duty it was, and who were probably instructed, to investigate the noble Duke's system of expence, and report to the King their opinions concerning both the practicability of the plan, and the judgement and capacity of the projector.

Mr. Cour-

Mr. Courtenay therefore said he meant, if the Chancellor of the Exchequer had no objection, to move for the Commissioners' instructions, which were given to the noble Duke on his being appointed president of that Board. At the same time, Mr. Courtenay farther observed upon the difference of opinion between the Chancellor of the Exchequer and the honourable General, the first having declared that no part whatever of the Report made by the military Board, could with any degree of safety be laid before the public; but the honourable General had, on the contrary, declared, that much useful information might be collected by the House from that Report, without the smallest risque or hazard of divulging any thing that could endanger the public safety. Mr. Courtenay expressed the admiration in which he held the abilities of the Chancellor of the Exchequer; but, on this particular point, (being not only a military point, but a point with which he was particularly conversant, from having been an officer of that Board) Mr. Courtenay said he could not help deciding in favour of the honourable General, against the opinion of the Chancellor of the Exchequer. He, therefore, could not help wishing, that such parts of the Report might be selected, under the check and control of the Ministers, as might be useful to the members of the House, without being detrimental to the public; and he urged the necessity of this, from the nature of the subject on which the House was called upon to form their judgement, the matter being out of the common course of parliamentary proceeding, and not only entitled them, but made it their duty, to call for every degree of information respecting it.

Mr. Luttrell observed, that he considered the conduct of Mr. Luttrell the honourable gentleman who spoke last as reprehensible, ^{trell.} because it bore the appearance of an attempt to mislead the House, by an insinuation that some of the questions at the Board of Officers were carried by a majority of one single voice, and that the President's. For his part, he had been himself a member of that Board, and he would venture to stake his own knowledge against the speculation of the honourable gentleman—he could safely affirm that there was not a single question carried by a smaller majority than that of twenty to three.

Mr. Holdsworth remarked that, having, during the course Mr. Holdsworth of the preceding session, given his voice against suffering the fortifications to proceed, without obtaining some farther proof of their being necessary besides the mere claim of the money by the Board of Ordnance, he must now hold himself perfectly at liberty to act as might appear to him best, after the House should have become apprised of the opinion of the Board of Naval and Military Officers upon the subject, and the

Thursday, 14th February.

This being the day appointed to ballot for a Committee to try the merits of a petition complaining of an undue election for the borough of Ilchester, the Speaker came down at half past two o'clock; but as the ballot could not take place without the attendance of two hundred members, and that number was not present, the House adjourned at four o'clock, without doing any business.

Wednesday, 15th February.

The House proceeded to ballot for a Committee to try the merits of Honiton election petition, and, after the usual ceremonies observed upon such occasions, the following members were returned as a jury :

Sir Edward Ashley, Bart. Chairman,

Sir Joseph Mawbey	John Cable, Esq.
Hon. Wm. Mortimer	John Hill, Esq.
Henry Addington, Esq.	Hon. Wm. Grimston
Wm. Pochin, Esq.	Robert Nicholas, Esq.
Sir Wm. Mansell, Bart.	Clement Tudway, Esq.
Sir John Wodehouse, Bart.	

Nominees, {

T. Burney Bramston, Esq. Sir Wm. Dolben.

The land-tax bill and the malt bill were read a second time, and committed for the morrow.

The marine mutiny bill was presented, and read a third time.

The House proceed afterwards to ballot for a Committee to appoint commissioners from different lists delivered in at the table for executing certain parts of the East-India judicature bill; and after the usual forms observed by the said act, the following members were returned:

Francis Annesley, Esq.	Sir Rob. Lawley, Bart.
Sir Edw. Ashley, Bart.	Sir Wm. Lemon, Bart.
Henry Banks, Esq.	Sir Ja. Langham, Bart.
John Barrington, Esq.	Sir Edw. Littleton, Bart.
John Pollexfen Bastard, Esq.	Thomas Masters, Esq.
Henry Beaufoy, Esq.	Wm. M'Dowall, Esq.
Tho. Burney Bramston, Esq.	Rich. Slater Milnes, Esq.
Charles Brandling, Esq.	Lord Muncaster
Isaac Hawkins Browne, Esq.	Wm. Mainwaring, Esq.
John Blackburne, Esq.	Henry Pierse, Esq.
Lord Fred. Campbell	Wm. Praed, Esq.
Sir Rob. S. Cotton, Bart.	Henry James Pye, Esq.
Sir Wm. Dolben, Bart.	Edward Phelps, Esq.

Wm.

Wm. Drake, jun. Esq.	William Pulteney, Esq.
Hea. Duncombe, Esq.	Wm. Morton Pitt, Esq.
Sir Archibald Edmonstone,	John Rolie, Esq.
Bart.	Sir John Rous, Bart.
William Egerton, Esq.	Hon. Fred. Robinson
Sir Adam Ferguson, Bart.	Hon. Dudley Ryder.
Joshua Grigby, Esq.	Sir. G. Aug. Shuckburgh, Bart.
Ambrose Goddard, Esq.	Walter Sneyd, Esq.
Lord V. Grimston	Charles Lorain Smith, Esq.
Sir Richard Hill	John Smith, Esq.
Sir Harbord Harbord, Bart.	John Sinclair, Esq.
Sir Henry Hoghton, Bart.	Sir Rob. Smyth, Bart.
John James Hamilton, Esq.	Henry Thornton, Esq.
Arth. Holdsworth, Esq.	Brook Watson, Esq.
Jn. Galley Knight, Esq.	Sir John Wodehouse, Bart.
Wm. Lygon, Esq.	Philip Yorke, Esq.

Mr. Sheridan complained, that some of the above lists had been delivered to the House by the door-keeper.

Several petitions for private bills were presented to the House, and referred to a Committee to report.

Mr. Brett presented to the the House, pursuant to order, "a list of the officers of ten and eight shillings," &c. The title was read, and the list ordered to lie on the table.

Mr. Jenkinson presented "His Majesty's order in council for regulating the trade and commerce between Great Britain and the united States of America, and between the States and the West-Indies." The same being read, was ordered to lie on the table.

The Coalmeasures bill and the Tewkesbury road bill, were read a second time and committed.

The House adjourned.

Thursday, 16th February.

Sir Robert Smyth remarked that he had contemplated with pleasure the salutary effects which, during the course of the preceding year, had accompanied the operations of the bill for the prohibition of the exportation of hay. So scanty had proved the crops of the last season, and so uncertain (as a point of course, within a climate perpetually subject to various and to opposite changes) was the prospect of the ensuing summer harvests, that, for his part, he could not avoid entertaining an opinion that it would become necessary to continue the prohibition until the expiration of a farther length of time. To effect all this was not possible without the introduction of a new bill to take place instantly upon the expiration of the old bill; a circumstance which *must* happen upon the ensuing Tuesday. These reasons, of necessity, induced

duced him to move for leave to bring in " a bill for leave to
 " continue the act of the last session of Parliament, relative
 " to the exportation of hay for a limited time."

Mr. Drake,
 Junior,

Mr. *Drake*, junior, observed that he should second the motion of his honourable friend with particular pleasure, from the fullest sense that the continuance of the prohibition was indispensably requisite. In the capital, the price of hay had arisen to the enormous price of five pounds and ten shillings for each load: but, such a sum, not confined to London, had lately been received for hay at Salisbury. And, doubtless, were several honourable gentlemen present to favour the House with a communication of the result of their experience upon the subject, it would be discovered that, in *their* several neighbourhoods, the prices of hay had proved equally extravagant. Upon this ground, it was not needful to press for a more extended prohibition of the exportation. Most places on the continent had severely suffered from the dearth of hay; they had felt the distressful necessity of submitting to the payment of prices still more exorbitant than those with which we had not less inevitably complied; a striking instance how much the Parliament must become actuated by a most dangerous impolicy, were they, forgetful of the precept from the proverb (wise and salutary, at least, in the present instance) not to take care that *charity should begin at home*, and meet the motion with their unanimous consent. He greatly feared that the committee appointed to inquire into the number of the expiring laws, and to report the result of their investigations to the House, were little better than a mere name; and whether they were now sitting, or had assembled at any prior period, was a matter altogether insignificant, because, surely, a more reprehensible impropriety could not arise, than the tacit acquiescence of the House to the baneful act of amusing the public with false lights, and affecting a parade of business executed, when, in fact, no measure whatsoever had been carried to a completion. Under these circumstances, it followed that, not harm, but great benefit must attend the renewal and continuance of the prohibition. The bill would cease to operate at the return of plenteous seasons, because it vested the discretionary power of annulling it in a quarter where he could not suppose that such an exertion would take place without the wisest and maturest deliberation in the Crown, assisted by the judgement and recommendations of its council.

Sir Joseph
 Mawbey.

Sir *Joseph Mawbey* said that, sensible of the *general* merits of the motion, he was resolved to give it his support; and he felt that it came forward *particularly* entitled to the concurrence of the House, because the late crops of grain, in all *likelihood*, would prove exceedingly deficient, and the chan-

ees of a more abundant produce in the ensuing seasons were as yet precarious. The barley, in his country-neighbourhood, made a most unpromising appearance; and, as he had reason to believe that other parts might not exhibit its usual instances of fertility, he felt himself justified in earnestly requesting the House to secure within the nation as much of the growth of its pasture and arable lands as possible.

The *Attorney General* begged leave (from the consideration that the present bill would expire upon the next Tuesday, and that the House appeared heartily inclined to countenance and establish its renewal) to advise the honourable baronet (Sir R. Smyth) to follow up the precedent, dictated by the exigencies of the state, during the course of the foregoing year, and *instantly* to procure the first and second reading of his bill; next, to have it as rapidly committed, read a third time, and passed upon the morrow; and thus, with equal facility and expedition, might it complete its progress through the House of Lords on the ensuing Monday. The Attorney General.

The Earl of *Surrey*, contending against the necessity of a new bill, added that, in *his* opinion, the price of hay was not in the least beyond what *naturally* might be expected at this particular season of the year; and therefore he, for this reason, could not approve of hurrying the bill through the House in the manner recommended by the honourable and learned gentleman who spoke last. The Earl of Surrey.

Sir *Edward Ashley* said, that, yielding to the justice of the arguments of those honourable gentlemen who countenanced the motion, he should declare himself an advocate for the utmost possible expedition in the passing of so salutary a bill. Sir Edward Ashley.

The motion being carried, the bill was brought in, read a first time, and ordered to be committed on the morrow.

Mr. *Sheridan*, rising next, begged leave to assure the House that it was very far from his intentions to trespass upon their patience with some remarks which, *now*, he deemed it necessary to make, if, on the preceding day, some honourable gentlemen, in the service of administration, had not insinuated, with an air of triumph over him for his supposed defection, that, with reproachful inconsistency, he had first stated a motion to the House, and then suddenly deserted it, without having previously pursued it to any opening whatsoever. If gentlemen would please to honour him, upon the present occasion, with their attention, he felt himself persuaded that he should totally exonerate himself from all charges of inconsistency. When upon the Wednesday he came down to the House, he perceived, and not without astonishment, the doorkeeper putting into the hands of every member a paper containing a written list of the names of gentlemen by way of a balloting list; and having the strongest grounds for belief that these papers

constitutional in its origin and principle, and so inimical to the natural rights of British subjects, in every particular of its institution, powers, and proceedings. Upon the face of the matter, it struck him that the election had been partially conducted, and that an inquiry was necessary. This served to confirm his former suspicions of the extreme unjustifiableness of the institution, and that the tribunal was meant to be thrust forward as a rod of ministerial power, to fall heavy on those whose opinions led them to take an adverse part against administration; but to be lightly handled, with respect to others, who might conduct themselves in a manner more accommodating, and more pliant to the wishes and wills of the powers in being.

Sir Joseph
Mawbey.

Sir *Joseph Mawbey* remarked that the motion was needless, and that all the arguments urged in support of it were rather insulting to the House, as they went upon the supposition, that part of it was liable to undue influence, when proceeding to exercise its capacity of electors of the new Court of Judicature. For his own part, he by no means wished to inquire from whom the doorkeeper received the papers he delivered; they had not influenced him, nor did he believe they had influenced any gentleman who ballotted. They might just as well proceed to inquire by whom all the various papers, put into their hands from time to time in the course of the session came, such as petitions for bills and other things, an investigation which (to give it the gentlest term) must be a shameful trespass upon the valuable moments of the House.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* expressed his wishes that a complaint of so frivolous and idle a nature would not occasion much debate on a day, when agreeably to notice, other great and important topics were to be taken under consideration. The two heads of an assertion into which the honourable gentleman had divided his charge, first, that the written lists having been delivered, was a violation of the privileges of the House, and next that it stood forward as an instance of the Minister's having attempted to interfere in an election vested in the members of that House, by Treasury influence, were each of them so obviously ill founded and delusive, that they scarcely merited a serious answer. In respect to the supposed breach of privilege, there had been none. For what specific privilege of the House did the fact assumed in argument, but without a shadow of proof, trench upon? Supposing even that it were true, that the written lists had been prepared and delivered as the honourable gentleman had asserted, where was the breach of privilege? And as to the idea, that the minds of gentlemen were liable to be influenced, upon having a written list of names put into their hands to do what they pleased with

with, unaccompanied by any request or any compulsion to vote for any one name in the list, that something more than insinuation (for the honourable gentleman had that day invented a new shade of assertion) was too insulting to the House to be tolerated a moment. But would any man imagine that the honourable gentleman or his friends had, in serious truth, any concern for that impartiality in the constitution of the Court of Judicature, for which they were now so eager to profess themselves the advocates, when their conduct on the day of the ballot was considered? It was in the power of forty of them by staying and doing their duty by balloting, to have put any name upon the list and had it returned; for, with such attention to a fair and impartial election of the Court had the Act been framed, that it was so worded, that no Minister, were he so inclined, or were he so presuming as to think so meanly of the members of that House, as the honourable gentleman had chosen to state them, had it in his power to prevent any name from being put upon the list that forty members chose to ballot for. Instead, however, of the honourable gentleman and his friends taking this fair and becoming mode of insuring a return of impartial characters, according to their ideas of impartial characters, they had deserted their duty and abandoned the ballot. It was evident, therefore, that the attempt so made to raise a clamour, was merely an attempt to throw impediments in the way of public business, and to create alarm in the minds of the people, by ill-founded and frivolous complaints. Of the gentlemen who balloted he could observe, without dread of contradiction, that their characters were too spotless either to need praise or shrink from censure.

Mr. Fox said, that he could not without equal indignation Mr. Fox and surprise observe those very persons who had, night after night, in nearly all their speeches, when he was in office, and conducting his India Bill through the House, attacked him, and charged him with having given himself the nomination of the persons who were to act under the bill, when he rose up as Secretary of State, and suggested their names for the election of the House, at this moment contending that to deliver Treasury lists was no interference of the ministry, and that the minds of gentlemen were left as free, as before they saw those lists. When he had the honour to stand up in his place, and nominate Earl Fitzwilliam, Mr. Montague, and the other great and respectable characters, who were to have been in the commission instituted by his India Bill, was it not again and again said to him, by the honourable gentleman, and all round him at that time, "You are nominating your own creatures; you talk of the House of Commons

constitutional in its origin and principle, and so inimical to the natural rights of British subjects, in every particular of its institution, powers, and proceedings. Upon the face of the matter, it struck him that the election had been partially conducted, and that an inquiry was necessary. This served to confirm his former suspicions of the extreme unjustifiableness of the institution, and that the tribunal was meant to be thrust forward as a rod of ministerial power, to fall heavy on those whose opinions led them to take an adverse part against administration; but to be lightly handled, with respect to others, who might conduct themselves in a manner more accommodating, and more pliant to the wishes and wills of the powers in being.

Sir Joseph
Mawbey.

Sir *Joseph Mawbey* remarked that the motion was needless, and that all the arguments urged in support of it were rather insulting to the House, as they went upon the supposition, that part of it was liable to undue influence, when proceeding to exercise its capacity of electors of the new Court of Judicature. For his own part, he by no means wished to inquire from whom the doorkeeper received the papers he delivered; they had not influenced him, nor did he believe they had influenced any gentleman who ballotted. They might just as well proceed to inquire by whom all the various papers, put into their hands from time to time in the course of the session came, such as petitions for bills and other things, an investigation which (to give it the gentlest term) must be a shameful trespass upon the valuable moments of the House.

Mr. Chan-
cellor Pitt.

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with, unaccompanied by any request or any compulsion to vote for any one name in the list, that something more than insinuation (for the honourable gentleman had that day invented a new shade of assertion) was too insulting to the House to be tolerated a moment. But would any man imagine that the honourable gentleman or his friends had, in serious truth, any concern for that impartiality in the constitution of the Court of Judicature, for which they were now so eager to profess themselves the advocates, when their conduct on the day of the ballot was considered? It was in the power of forty of them by staying and doing their duty by balloting, to have put any name upon the list and had it returned; for, with such attention to a fair and impartial election of the Court had the Act been framed, that it was so worded, that no Minister, were he so inclined, or were he so presuming as to think so meanly of the members of that House, as the honourable gentleman had chosen to state them, had it in his power to prevent any name from being put upon the list that forty members chose to ballot for. Instead, however, of the honourable gentleman and his friends taking this fair and becoming mode of insuring a return of impartial characters, according to their ideas of impartial characters, they had deserted their duty and abandoned the ballot. It was evident, therefore, that the attempt so made to raise a clamour, was merely an attempt to throw impediments in the way of public business, and to create alarm in the minds of the people, by ill-founded and frivolous complaints. Of the gentlemen who balloted he could observe, without dread of contradiction, that their characters were too spotless either to need praise or shrink from censure.

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“ their election; the majority of the House of Commons
 “ always vote with the Minister on great public points, and
 “ consequently the Minister who nominates within these
 “ walls, elects, and not the House of Commons.” This
 language had been so often urged, that no man who heard it
 at the time could have forgotten it, nor would any man, he
 believed, be hardy enough to deny it. Where was the difference
 between his standing up publicly as a Secretary of State
 and nominating, taking upon himself at the same time the
 responsibility for so doing, and the Treasury’s nominating,
 by circulation of lists, except indeed the difference between
 open and occult, between public and avowed, secret and concealed
 nomination? That the Treasury had *compelled* gentlemen
 to vote for any given list of names, Mr. Fox declared
 he would not say; but he would say, they had *canvassed*, and
 the event shewed that their canvass had been successful; for
 though there had been *fifty-seven* names returned upon the
 issue of the ballot, the whole *forty* that the canvassing lists
 contained, were, he observed, in the number. Nor was it to
 be wondered at that the Treasury canvass had proved successful;
 for, notwithstanding the ridiculous arguments and assertions
 urged and maintained by the honourable gentleman and
 the honourable Baronet above him, that the House were not to
 be influenced by a Minister, daily experience proved that they
 were; and that they were, he should never be afraid to assert,
 without meaning to cast a slur upon the House or any part
 of it. The delivery of written lists was, indeed, the ordinary
 mode of canvass adopted without doors, on various occasions;
 but, however decent in those, it was highly indecent in the
 recent instance of the preceding day. The accusation of
 his having neglected his duty in not balloting, it was sufficient
 to answer, by professing himself an avowed enemy to almost
 every part of the bill; and therefore he would not (and
 who, in reason could) expect it to meet with the least support.

Mr. Drake,
 junior.

Mr. Drake, junior, argued in favour of the supposed essential
 difference between publicly and officially nominating in
 the manner the right honourable gentleman had done, when
 Secretary of State, and the delivering out lists of names
 anonymously in the manner complained of. He thought
 there was no want of decorum in that, though he had seen
 a want of decorum in those who had deserted their duty and
 avoided the ballot. He said that he stood in a peculiar predicament,
 with regard to the subject of which he treated, but
 he would nevertheless contend that those very respectable
 gentlemen who balloted, had done themselves great honour.
 The paper in question had not influenced him; he was the
spaniel of no Minister, the invariably attached adherent of no
 party.

party. He would not fetch and carry for either, but might say of himself in the language of a familiar motto, "*Nullius in verba*." As to the India bill of the right honourable gentleman (Mr. Fox) although he met it as a *cordial opponent*, candour obliged him to allow that, in *some* good effects, it *might* have surpassed his.

Mr. Martin said, that when the right honourable gentleman canvassed for Westminster, he believed, he thought it necessary to do something more than barely write his name on a piece of paper, and leave it with the party canvassed. He had expected something ludicrous when he saw the honourable gentleman rise to make his motion, but was more convinced he had been sporting with the House, when he witnessed the solemn gravity with which the motion had been seconded. Mr. Martin declared that he had received one of the papers containing forty names; that it had not influenced his ballot in the least; and that he thought it would be an idle piece of business to have their old servant brought from the door and placed at the bar of the House.

Mr. Francis answered, that he was not aware of having discovered more gravity than usual when he seconded the motion—but be this as it might, the wit of the honourable gentleman would, doubtless, operate upon him as an antidote to all seriousness.

Mr. Sheridan, censuring the misstatements of his argument, complained of the right honourable gentleman's having pointed him out as a person apt to treat that House with insult and contempt. Nothing, he added, could be farther from his intentions; and as he had not the great abilities, the power, the influence of office, nor the other circumstances that right honourable gentleman possessed, to recommend him to the good opinion of the House, the right honourable gentleman, he hoped, would not take from him his only possession, a most sincere respect for the House and all its members. Mr. Sheridan added, that he differed in one point from his right honourable friend near him; he meant to have balloted, though an enemy to the bill, but he had been prevented by accident.

The Attorney General begged leave to remind gentlemen of a fact which they seemed to have either forgotten or overlooked; and this was, that the House of Commons did not, in reality, elect the Court of Judicature; they did not even elect such of their own members as were to make a part of it. The act directed them to return forty or more, of whom they chose by ballot to return; and if they returned more than forty, another election by ballot vested in the hands of the Judges, determine who the forty should be.

Mr. Jolliffe.

Mr. *Jolliffe* contended, that the best way for the right honourable and learned gentlemen, and those near them, to prove their own arguments, and to rivet conviction upon the House, that the complaint was frivolous and ill founded, would be to call the doorkeeper to the bar, and proceed to his examination.

Mr. Vanstuart.

Mr. *Vanstuart* remarked, that he trusted the conduct of the House, in respect to the ballot, as well as the very respectable names returned, would give perfect satisfaction in India, and convince the British subjects in that part of the world, as well as the natives, that an impartial Court of Judicature was instituted.

At length the question was put, and the House divided, when the numbers were,

Ayes

38

Noes

138

The House being resumed,

Mr. Sheridan.

Mr. *Sheridan* expressed his wishes, that the motion concerning the proceedings, respecting the proposed plan of fortifying the dock-yards, would not occasion much debate, or even meet with resistance; but, previous to his making it, he should imagine it would prove right to call gentlemen's attention back to the situation in which the House stood at that moment, in respect to the subject. They would please to recollect that the Minister having given them to understand that, previous to their being called upon to vote, that the 50,000*l.* granted towards fortifications to be erected for the defence of the dock-yards in 1784, should be so applied, the whole matter should be referred to a Board of General Officers, naval as well as military, to inquire into the nature of the plan proposed, the possibility of doing without it, the necessity for having it, the wisdom and policy of adopting it, and the expence which it would ultimately incur. He should, also, beg leave to remind the House of the turn of the argument of the right honourable gentleman, on the preceding Friday, when he formally announced his expectation, that when the Ordnance estimates were voted this session, the application of the 50,000*l.* in hand would be desired; at that time the right honourable gentleman had said, that the House would not now have the bare word of an individual, or of any Minister to rely on; but the report and unanimous opinion of a Board of the most respectable nature ever instituted, a Board composed of the first characters, in the naval and military line, now in being. What then (added Mr. Sheridan) was his astonishment, and what must have been the astonishment of the House, to find an honourable General, a member of that Board, rise in his place and flatly contradict the right honourable gentleman, by denying that the result of the opinions

of that Board had been such as the right honourable gentleman had described, or that those opinions warranted any such declaration as he had advanced.

The right honourable gentleman had risen a second time and put the matter in issue between him and the honourable General; challenging the judgement of the House, and calling upon them to decide who was right and who wrong in his assertion? Where was the possibility for the House to judge, without either evidence or means of directing their determination? Assertion stood against assertion; and they, altogether uninformed as to the real merits of the fact in issue, and perfectly in the dark, were desired to decide? This was so obviously absurd, that he should have imagined, when the right honourable gentleman put the matter in issue, he would, of himself, have furnished those who were called upon to give judgement, with the means of forming their opinion: as he had not proceeded thus far, he meant to do it by his motion of that day, but concluding, that a great deal of matter improper to be laid before the House, might be contained in the detail of the Report of the Board of Naval and Military Officers, he had cautiously foreborne to make his motion too extensive; and had worded it so as to empower Ministers to lay such parts only of what papers the motion called for, before the House, as might be placed upon the table with the greatest safety to the State. If, however, his motion, in its present form, was to be found objectionable, and less objectionable words could be suggested, he would readily adopt them; and if the papers were furnished, and bore out the right honourable gentleman in his assertion, he would, for one, abandon all idea of opposing the proposal to suffer the money to be applied to fortifications. In conclusion, Mr. Sheridan moved for a copy of the appointment of the Board of Naval and Military Officers, of such parts of their instructions, and of their Report, as His Majesty's discretion might deem proper to be made public with perfect consistency to the safety of the State.

Mr. Windham seconded the motion.

Mr. Chancellor Pitt remarked, that he had listened to the M. Chan-
 observations of the honourable gentleman with more pleasure cellor Pitt.
 and congeniality of sentiment than he expected either to
 receive or feel; yet, though he joined with him in the
 main object of his argument, he must protest against some
 particular parts in which he could not think the honourable
 gentleman perfectly correct in his statement. Notwithstanding
 that he could not subscribe to the opinion of the hon-
 ourable gentleman, that the whole of the instructions given
 by His Majesty to the Board of Officers might with safety
 be

be made public; because, in many instances, those instructions went to very delicate points, and were of a nature likely to give information to those who might be our enemies in future, as would prove highly dangerous and detrimental; nay, as they were in some cases more delicate in their nature than even the Report itself, because there were many suggestions in them which the Report did not answer, the Board of Officers having found a better method of coming at the Report: yet still, such parts of the Report as could with propriety be laid before the House, it was highly necessary it should be in possession of, nor should he, by any means, endeavour to withhold them. He had certainly, as the honourable gentleman mentioned on a former day, objected to a motion which seemed calculated to give the House information; but his reason for doing so was not to prevent information from being obtained, but because the question proposed was in fact nugatory; as it required the commission appointing the Duke of Richmond, President of the Board of Officers, to be produced, whereas no such commission had ever been made out; the instrument by which his Grace had been appointed being the King's letter, and the same method had also been used to constitute the other members of the Board. He was surprised to find, that the honourable gentleman had entertained an idea, that it was intended to have concealed the names of the gentlemen who comprised the Board of Officers; for, if he remembered rightly, he had, on a former occasion, in speaking of the business, relied on the merit and respectability of the members, as one of the surest pledges of the justness and accuracy of their Report, and of the advantage arising from this consideration, the friends of the fortifications would be deprived, were the names of the gentlemen to be concealed. It did not appear requisite for him to say any thing more on the Report of the Board, and the different points to which it went, than he had already troubled the House with upon a former occasion, when he stated, that it had been referred to the Board to report, whether a naval force singly could give such effectual security to our dock-yards as the nation might rely upon with confidence in the event of a future war; whether such a security could be obtained by the assistance of an army alone, or by means of a naval and land force combined? To those questions the Board had directly and specifically answered — That those invaluable parts of the kingdom could not be sufficiently secured by either of the suggested modes of defence, not even by both conjoined, without the assistance of fortifications.

He trusted that no arguments were now wanting to prove, that it was in the most strict construction of the opinion of

the Board of Officers, that the measure was now brought forward, and that their opinion was explicitly and clearly in its favour. As to what the honourable gentleman thought proper to observe touching the sentiments of the honourable General behind him, he must beg leave to contend, that in this point, he had been extremely incorrect. The honourable General had by no means even hinted, that the opinion of the Board was averſe from the ſyſtem of fortification; but only declared, that their opinion was not, in his judgement, in favour of the meaſure to the extent in which he had ſtated it. On this part of the queſtion, however, he and the honourable General were at iſſue, and the papers to be laid before the Houſe would prove ſufficient to determine which of them was in the right. Concerning the expence of thoſe works that were propoſed, he muſt appeal to the Houſe, whether it had been the complection and character of his political and miniſterial conduct, to regard with indifference the intereſts of the revenue, and the duties of public œconomy? Yet ſtill anxious as he was to exert himſelf to the utmoſt in favour of thoſe great objects (and he hoped that it would ſhortly appear, that his exertions had been attended with conſiderable ſucceſs) he could, by no means conſent, although for the very tempting proſpect of diminiſhing the public debt, or relieving the burdens of the people, to abandon an object of greater moment, than even the diminution of the debt or the relief of the ſubject—the neceſſary defence of thoſe naval magazines, our dock yards.—He was glad to hear from the honourable gentleman a declaration that did him ſo much honour, as that he was ready to pledge himſelf, that if he ſhould, on inſpecting the papers now moved for, find, that the buſineſs ſtood upon the footing he had repreſented it, or ſanctioned by the opinion of the Board of Officers fairly and clearly collected, he would then abandon his oppoſition—and for his part he was equally deſirous of coming forward to meet the honourable gentleman with a ſimilar pledge, which was—that if it ſhould appear, that the Report of the Board of Officers did not fully and explicitly juſtify the meaſure, he would himſelf entirely relinquish it, nor ſhould he in that caſe require a ſhilling from Parliament to carry it into execution. Upon the whole, he was ſo perfectly of the honourable gentleman's opinion, with regard to his motion, that he had prepared one of almoſt an exactly ſimilar tendency, which he ſhould propoſe to the honourable gentleman to adopt inſtead of his own, not becauſe it was better adapted to the purpoſe, or any way properer in itſelf, but becauſe in one inſtance it was more accurate in point of form, becauſe it requeſted His *Majeſty* to lay before the Houſe the circular letters by which the Board had been conſtituted; whiſt, on the other hand,

the motion of the honourable gentleman, in consequence of his not possessing the fullest intelligence relating to the subject, required the commission, when, to speak truly, it was not in being.

Gen. Bur-
goyne.

General *Burgoyne* observed that he had listened with great pleasure to the generality of the arguments of the right honourable gentleman who spoke last. He was happy to find the matter in issue between them was likely to come fairly before the House. There was only one point in doubt with him. The whole of the instructions to the Board, in his opinion, might be laid on the table with perfect safety to the State. In the Report, he admitted, was much matter, of which the nature rendered it improper to be made public. With regard to the sentiments of the members of the Board upon the points submitted to their judgement, unless the whole was before the House, it was impossible for the House to determine justly, because cases, hypothetically put, admitted only of a direct answer, given under the admission of the hypothesis, whether probable or barely possible; instead of which, the House ought to have before them all the *data*, that they might judge whether the case, put hypothetically, was a case sufficiently within probability to deserve attention. He would by no means betray any state secret, or be guilty of a breach of the confidence under the seal of which he stood as a member of the Board in question, but, without incurring the imputation of speaking unguardedly or dangerously, he would say, that several of the cases submitted were mere *postulata*, and hypothetically as extravagant as if it were asked, Suppose, by some strange convulsion of nature, the straits between Dover and Calais should be no more, but that the coasts should meet and unite, would it not be politic, expedient, and absolutely necessary, to fortify the isthmus, or neck of land, between France and England? Absurd in the extreme as this hypothesis must be, several which were submitted to the Board appeared to him to have been equally extravagant and improbable: in short, so much beyond all bounds of reason, that it would be madness for that House to vote away the public money to a large amount, merely because to such hypothetical cases an unanimous opinion in the affirmative had been given. He had ever entertained an high opinion of the military skill of the noble Duke at the head of the Ordnance; but he had found him more expert and scientific in engineering than his partiality had suggested, inasmuch, that he himself, though he had spent a great part of his life in the practice of tactics, and all the attendant circumstances, had returned from the Board with more lights upon the subject of engineering than he had carried with him to it. His opinion of the noble Duke,
therefore,

therefore, as a military character, was much heightened; and, in what he might in future find it necessary to say, he begged he might not be supposed to mean any thing personal. He should, hereafter, probably take the liberty of troubling the House much more at length with his opinion on the subject, and therefore it might not be amiss to lay in his claim, when the instructions came before the House, to treat them as freely as the King's speech, generally considered there as the speech of the Minister, was customarily treated in that House. In support of this claim, he must beg leave to remark that there was a mode of forming a syllogism by multiplying and branching out the main proposition into numerous positions, and placing it in a variety of points of view by means of questions so put, that human reason could not withhold their affirmative assent to any one of them, and yet every man's mind must deny the general result deduced. And, upon this occasion, he flattered himself that the House would give him credit for not considering the question relative to fortifications with any party impression or bias. The question was beyond the reach of party, it was, in *his* mind, the most important and the most interesting, whether considered as an official, a financial, or a constitutional question, that ever came before Parliament. He, who made it a party question, was unworthy to be heard upon it. In conclusion, General Burgoyne begged leave to know whether Administration designed to give the House the whole of the instructions, or only a detached part.

Mr. *Chancellor Pitt* answered, that he must beg leave to Mr. Chan- contend that the argument of the honourable General was c. llor Pitt, so far fetched as not to be capable of illustration, except by supposing a convulsion of nature, or so absurd an event as the junction of Dover and Calais, by a new created isthmus.— Could the House possibly imagine that the most respectable Board of land and sea officers that ever sat were likely to be imposed upon by such frivolous and visionary hypotheses.— As for the honourable General himself, all, acquainted with his unrivalled skill in all the departments of literature, as well as of war, knew very well that no logical subtilty could possibly so far triumph over his reason, as to lead him on through a series of inquiry and investigation by means of such data and hypotheses as were in themselves undeniable and self evident, but which tended to a conclusion, which, though it could not be refuted by argument, the mind was yet *determined* to deny.— And it was still more inexplicable how such an imposition could be practised under the direction of a person who, high as he before stood in the opinion of the honourable General, was raised still higher by his conduct at that Board, and from whom, enlightened as the honourable General's

ral's mind had already been, he had received fresh elucidation and improvement.—With respect to the honourable General's assertion that the report of the Board was founded upon imaginary cases, he felt himself justified in replying, that he was ready to meet him upon this ground; for, though there were many hypotheses submitted to them, yet, upon the grand question of the necessity and propriety of the fortifications, their opinions were unqualified and specific. Nay, the Report itself, (and that in a part of it where the Board were unanimous, and which of course must have had the consent of the honourable General) did arrange the subject matter of their inquiry in such a manner, as should extend it to such objects, and such objects alone, as were necessary for their discussion.

fr. Fox.

Mr. Fox declared, that he had entertained the hope that the candid observations of his honourable friend (General Burgoyne) would have met with that liberal species of animadversion which he really thought they deserved. There was nothing which had fallen from him which seemed to justify either the expression or insinuation that he had been led, step by step, from deduction, to a result which he was determined not to admit. Nobody would suspect that he was inclined to speak disrespectfully of his relations, but he knew the manner of reasoning of the noble Duke who presided at the board, and that it was his method to lead the mind insensibly through the medium of certain propositions which it might not be disposed to controvert, unwarily to conclusions in which it could not acquiesce.

Captain
Bwyer.

Captain Bwyer expressed his disapprobation of the production of the papers intended to be laid before the House. He was suspicious they would convey information to the natural enemies of this country.

Captain
Macbride.

Captain Macbride was of opinion, that nothing was to be dreaded from this circumstance. He was firmly convinced, that the safety of this country depended so much on its naval force, and so little on its external fortification, that he did not care though all the papers which belonged to this Board of Inquiry were lodged for inspection in the Marine Office at Paris.

Mr. Sheridan's motion was then withdrawn, and the Chancellor of the Exchequer's substituted in its place, which was carried unanimously.

fr. Fox.

Mr. Fox hoped the Ordnance estimates would not be brought forward in consequence of the production of the above papers on Monday, as originally intended.

fr. Chan-
celor Pitt.

Mr. Chancellor Pitt did not wish to urge this point, but saw reason for postponing it to a more distant period than Wednesday.

fr. Court-

Mr. Courtenay moved for the production of the copy of the estimates of the engineers at Portsmouth, for building the fort-

A. 1786.

D E B A T E S.

tifications, together with the Report thereon of the engineers of the Tower, which was agreed to *nem. co. 1.*

Adjourned.

Friday, 17th February.

Mr. *Jenkinson* remarked, that, having on a preceding day Mr. Ten-
kinson. intimated his earnest wishes to draw the attention of the House to a subject of much importance to the commerce of this country, he must now beg leave to ask if it was their pleasure that he should open his motion, or defer it to another occasion. [Here some gentlemen cried out "hear him," and he immediately proceeded.] He said that the business to which he alluded referred to two subjects, both of which were intimately connected. First, the intercourse between His Majesty's West-India islands and the United States of North America; and secondly, the intercourse between the said United States and His Majesty's European dominions. Very heavy and violent complaints had been made, as well by the people of Jamaica and the other islands in the West Indies as by their agents here, against the restrictions, confining the importation into those islands by British-built vessels navigated according to law; nor could he adopt an easier mode of proving how groundlessly the complaints were urged, than by informing the House what the operation of these regulations was. The imports into Jamaica, during the last three years, were one third greater than in any of the last seven years previous to the war. Bread and flour so abounded in the island, notwithstanding the hurricane, that the Governor was obliged to issue an order prohibiting the exportation of provisions to any of the neighbouring foreign islands; a needless injunction, if they themselves had not enjoyed plenty at the moment. In the exportation of rum also, the ten last years became by far the most prosperous. Lumber, staves, and such other articles as fell under the description of allowed imports, were likewise as abundant as ever, though somewhat dearer, because they came dearer now to the Americans themselves. These were certainly very agreeable effects of the regulations, but their political advantages to this country were equally great. Exclusive of the security and satisfaction which the merchants of this country must experience from discovering that when they did not supply the freight, they had at least the advantage of using their own vessels; they had reason to exult over the employment of an additional body of no less than 4000 seamen, and upwards of 700 vessels, and to consider such a circumstance as of the highest public utility. There were, however, two reasons which induced him, on the present occasion, rather to suffer the power to remain with His Majesty

jesty to continue the regulations, than to bring them to a final conclusion by an act of Parliament. He understood (not from official information, but from report) that there was another petition, now signed by the inhabitants of Jamaica, against the continuance of this system, which he would not preclude from discussion by a previous determination; rather wishing that all those who affixed to it their signatures might enjoy more time to become reconciled to the measures by the extension of its benefits and the assurance of its advantages. With respect to the more important, or, at least, more intricate, consideration of the state of our commerce with the United States of North America, he should observe, that their vessels, notwithstanding their separation from this country, were not only on a footing with the vessels of the most favoured nation, but absolutely on equal terms with those of our own subjects. They resorted to our harbours precisely under the same advantages, except, perhaps, that, after foreign voyages, they underwent somewhat of a more strict examination. On the other hand, their return for these favours was of the most extraordinary kind, as there was no country against which their prohibitions were so severe, or their conduct so violent. He felt an ardent wish that these might meet with full leisure and ample time to consider how much their own interest depended on the encouragement of British commerce. With Portugal they had no trade, and still less with Spain. In the Mediterranean they could not venture from too well-grounded apprehensions of the corsairs; and, almost with the individual exception of tobacco, their principal articles were not, by the words of the treaty, to be imported either into Old France or any of its islands. But the circumstance of all others the most singular and striking was, that, although deprived of any other market for their salt fish, except through the British settlements, they refused to suffer British vessels to go for the purpose of buying of them this commodity. Having mentioned the instructions sent by various States to the general Congress, relative to an arrangement of commerce with Great Britain, the majority of which were extremely absurd; and, of all others, the most ridiculous was that of one State, which recommends articles to be signed whenever Congress were unanimous on the subject, Mr. Jenkinson expressed his earnest hopes that matters might remain in their present state, at least for another year, and therefore begged leave to move, "That an act, made in the twenty-third year of the reign of His present Majesty, entitled, 'An Act for preventing certain Instruments from being required from Ships belonging to the United States of America; and to give to His Majesty, for a limited Time, certain Powers'

“for the better carrying on Trade and Commerce between the Subjects of His Majesty’s Dominions and the Inhabitants of the said United States,” might be read;” and the same was read accordingly.

Mr. Jenkinson next moved, “That an act, made in the twenty-fourth year of the reign of His present Majesty, entitled, ‘An Act to extend the Powers of an Act, made in the twenty-third Year of His present Majesty, for giving His Majesty certain Powers for the better carrying on Trade and Commerce between the Subjects of His Majesty’s Dominions and the Inhabitants of the United States of America, to the Trade and Commerce of this Kingdom with the British Colonies and Plantations in America, with respect to certain Articles therein mentioned,’ might be read;” and the same being read accordingly, it was ordered, That leave be given to bring in a bill, for farther continuing the said acts, for a time to be limited; and that Mr. Jenkinson, Mr. Attorney General, and Mr. Solicitor General, do prepare and bring in the same.

Mr. *Burke* now rose, and requested that the Journals of Mr. *Burke*. the year 1782 might be consulted for the forty-fourth and forty-fifth resolutions of the 29th of May. These were now read, and are as follow :

“That for the purpose of conveying entire conviction to the minds of the native princes, that to commence hostilities without just provocation against them, and to pursue schemes of conquest and extent of dominion, are measures repugnant to the wish, the honour, and the policy of this nation, the Parliament of Great Britain should give some signal mark of its displeasure against those, in whatever degree entrusted with the charge of the East-India Company’s affairs, who shall appear wilfully to have adopted or countenanced a system tending to inspire a reasonable distrust of the moderation, justice, and good faith of the British nation.”

“That Warren Hastings, Esquire, Governor General of Bengal, and William Hornsby, Esquire, President of the Council at Bombay, having, in sundry instances, acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expences on the East-India Company, it is the duty of the Directors of the said Company to pursue all legal and effectual means for the removal of the said Governor General and President from their respective offices, and to recal them to Great Britain.”

Mr. *Burke* now said, that it was not without considerable uneasiness that he discovered that the task of introducing to the attention of the House the solemn and important business of

of the day was on the point of falling to his lot, when (as all to whom he had the honour of addressing himself would certainly allow) it might have been brought forward, in the plenitude of weight and efficacy, by the right honourable member, (Mr. Dundas) whose propositions were the very basis of the resolution, the contents of which had only in the preceding moment been recited. A party, of all others, the most interested in the awful progress and ultimate result of any proceedings which might arise, had, with becoming dignity of character, called firmly on him to advance his charges; and so pointed was the nature of his invocation, that it rendered it impossible for him to evade the execution of his duty. Under these circumstances, most feelingly did he lament, that, as the unwelcome consequence of a devolution, caused partly by the natural demise of some, the political decease of others, and, in particular cases, a death to virtue and to principle, he should now remain alone engaged in the attempt to keep the honour and the consistency of the House in their unfulfilled lustre, to impart vigour to its intentions, and to facilitate and fix the efficacy of a sentence, subsequent to the passing of which a period of four years had actually elapsed. On the present occasion, he trusted that, in common justice, he should not be considered in any other character than as the mere agent of the House, who, at the very time to which he referred, had fixed upon Mr. Hastings as an object of their particularly marked and formal acclamations. His province, therefore, was subordinate, confining him within the necessary endeavour to accelerate the accomplishment of a point aimed at most indubitably by the House, and which ought, perhaps, much earlier to have been fulfilled. Whosoever acted under the sanction of the authority of the House might certainly, without arrogance, assert a claim to its protection, as far at least as the word protection would bear to be interpreted as that candid and honourable construction of a procedure to which all, determined upon the purest and most unassailable adherences to what they deemed a rectitude of conduct, were thoroughly entitled. For the purpose of rendering the whole House (but more especially its new-elected members) possessed of a full idea concerning the nature of every preceding vote which bore affinity to the transactions and affairs of India, he must beg the favour of carrying the recollection of those to whom he had the honour of addressing himself to matters of a remoter date; a review, during which, sensible of the impropriety of trespassing too long upon their attention, he should consult as much as possible a brevity in his descriptions.—*They might remember that, during the course of the year 1764, or, at least, near to that period, the East-India Company*

pany dispatched Lord Clive to their settlements in that quarter, for the purpose of there becoming instrumental to the introduction and establishment of certain principles of Government, then regarded as indispensably requisite for preserving, in less precarious security, and amidst the influence of a wiser policy, the territorial possessions of Great Britain. The successes of this noble Lord surpassed even the sanguine expectations of those who were inclined to give him credit for achievements of the first importance; and with such astonishing rapidity did the most extensive and rich domains of this almost completely vanquished region become appurtenances to our East-India Company, that mankind were left at a loss whether most to wonder at the sudden inundations of prosperity, or the at-once-accumulated riches which marked the brilliancy and vigour of its existence. From this æra did opulence bring forward one of its too customary and baneful effects, by throwing open all the channels of ungovernable corruption. The most enormous abuses were in a moment piled, each upon the other, till every spot of British territories in the East Indies became a shocking theatre of that variety of crimes, to which the lust of avarice and ambition so frequently impels the worthless part of human kind. Disgrace became naturally interwoven with the commission of enormities; the honour of Englishmen not only lost its lustre, but received an ignominious stain; and, whilst the Princes of the East considered with detestation the violent and unpardonable measures of the subjects of Great Britain, the States of Europe, with equal indications of abhorrence, adopted and dispersed their sentiments. When Lord Clive returned to England, it was deemed absolutely requisite to invest, with the presidency of the Council at Calcutta, and the governorship of Bengal, some person to whom the principles of Government in the East Indies, as arranged and consolidated into a system by the noble Peer, were not barely intimately known, but perfectly congenial; and, doubtless, it was for this reason that Mr. Warren Hastings became removed from Madras to the government of Bengal. In this train, the tendency of which was obvious, affairs proceeded, until the Parliament, grown sensible of the necessity of scrutinizing their merits by the most serious and ample investigations, threw open and continued their inquiries concerning the actual state, whether upon a general or a particular ground, of the Company in the East Indies. From one period to another, several Committees were appointed; and various proceedings also took place, in consequence of their Reports. At last, during a moment, which was the dreadful prelude to one of the bitterest and most disgraceful to the national misfortunes, the war against America burst forth;

VOL. XIX R yet,

yet, even through the continuation of hostilities, upon our side, at once frantic and ineffectual, the situation of affairs in the East Indies, far from having been forgotten, became a frequent object of the close attention of the House of Commons, who, in the year 1781, thought fit to establish, in two separate and totally distinct departments, a Secret and a Select Committee. A right honourable and learned gentleman (Mr. Dundas) was, upon this occasion, placed at the head of the Secret Committee; and particularly, from his investigations and propositions, had resulted a well-known string of resolutions, from amongst which he (Mr. Burke) had just selected one concerning Warren Hastings and William Hornby, Esquires; a resolution not couched in terms which could at all suffer even the slightest equivocal interpretation, but conveying against them, as powerfully as it was possible for words to point the meaning, the most direct accusation of negligence of duty, and of improper proceedings throughout the course of their enjoyment of high official situations. Surely it was a theme for universal astonishment, that when the right honourable and learned gentleman had discovered, from an acute and indefatigable investigation of occurrences, that even every tittle of this striking resolution was grounded upon the strong foundations of the most unanswerable truths, he should, with a degree of coldness almost approaching to indifference, have remained contented with the inactive sequel of his great and arduous task which, at its conclusion, (dissimilar, indeed, from its extraordinary and spirited beginning and procedure!) sunk into little more than a faint persuasion to the House to adopt and vote the resolution. An honourable gentleman (General Smith) at present not enjoying a seat among the Commons, moved, on a former occasion, for the Select Committee, when another honourable gentleman (Secretary to the Board of Control) seconded the motion: and, certainly, it would have appeared becoming in this honourable gentleman, if he had submitted the matter to the serious attention, and not have left him (Mr. Burke) to engage in a matter which was more peculiarly and immediately his own province. Of the Select Committee (Mr. Burke added) that he was an unworthy member; but he could venture to assert, that although he, or even his associates, might have been outstripped by others in those vigorous and deeply-scrutinizing powers of the mind, so greatly beneficial when it is necessary to unravel a vast and intricate combination of occurrences, at once important and alarming, yet no persons whatsoever could have exceeded them in zeal and assiduity. From the most unabated and ardent attention, manifested by the Committees to every point submitted to their opinion, had arisen an immense and well-digested body of evidence.

evidence, forming, indeed, a most voluminous pile of Reports for the table of the House, yet not less than highly interesting throughout every part of its amazing bulk, although the labours of any seven preceding Committees had fallen considerably short of so extended and comprehensive an arrangement. That such absolutely was the case could not, in fair argument, be disproved, even by a noble and learned Lord, highly distinguished on account of the pre-eminence of his office, yet more an object of celebrity as being in the full vigour of great influence, and extraordinary talents; nor less conspicuous as *keeper of the royal conscience*; in which singular and exalted character he thought proper to observe, in an august assembly, that the Reports of this House concerning the situation of affairs in the East Indies, were scarcely of more consideration than *idle fables*; thus treating them like the fanciful adventures of Robinson Crusoe, or the wild chimeras of any writers of romance! But neither wit nor ridicule, from howsoever brilliant or venerated a quarter they might proceed, could invalidate the nature and force of these Reports; and therefore, in defiance of either the keen severity of raillery at once unmerited and groundless, or the imposing plausibility of an insidious stile of argument, should he rest his own particular accusation against Mr. Hastings, as a delinquent of the first magnitude, upon the united authority of the very heavy charges to which he stands exposed in these Reports, and of the string of resolutions remaining upon the journals of the twenty-eighth of May, in the year 1782; a matter which, coolly and impartially considered, must totally exempt him from the imputation of pressing more upon the attention of the House than they already had admitted and declared. One striking proof that the Commons of Great Britain had not, amidst their investigations of the affairs and occurrences in the East Indies, proceeded with either precipitation or wantonness, or without the most deliberate and sound advice, and that their labours were deemed entitled to very high regard, might fairly be deduced (in fact, the premises would not admit a different conclusion) from the honourable manner in which, at the close of the session of 1782, the subject was recommended, in a speech from the Throne, as calling for the strictest parliamentary investigations. Nor did this example stand long alone. It was followed by a second, not less pointed and convincing, when, from the same exalted quarter, expressions, particularly gracious, were dropped, in favour of the progress made by the House, at the opening of the ensuing session, with respect to an examination into the nature of measures and occurrences in the East Indies. Having read to the House the extracts from the speeches in question, Mr. Burke remarked, that they

ought to operate as an irresistible incitement to their following up the point until they should have detected every various delinquency, and brought the most criminal offenders to exemplary atonements. In explanation of the process whereon he meant to enter with respect to Mr. Hastings, against whom, with a degree of warmth amounting to an appearance of defiance, he had been loudly called upon to advance his accusation, (and against whom he certainly should advance it, were the papers for which he meant to move thrown open to his inspection,) he must beg leave to remind the House, that three several examples of the mode of proceeding against state delinquents were on record; and that, according to the exigencies of particular cases, each had been, at different periods, adopted. The first was a direction to the Attorney General to prosecute. From this measure, Mr. Burke said, he must acknowledge himself totally averse, because he had reason to believe that the honourable and learned gentleman, now vested in that high official situation, to which his truly respectable character and professional abilities rendered him equal, in every sense of the expression, did not discover any zealous inclination to support the point in question, and bring it forward under the weight and sanction of his powers, to impress the House with a due sense of the measures which it behoved them to pursue, in order to bring delinquents (should such be found) to signal punishments: nor, indeed, did he conceive that a trial by jury was, of all others, the most unexceptionable and best-devised for the purpose of obtaining ample justice against an offender so great and elevated (if opulence, talents and connections could elevate) as the person whom he felt it as his duty, on this occasion, to pursue. As little was he prepossessed in favour of an application to the Court of King's Bench, from an idea, that the magnitude of the trial (which he anxiously wished to have brought forward in that shape, which would the most certainly facilitate the progress and ultimate decisions of impartial justice) would overwhelm the varying multitude of lesser causes of *meum* and *tuum*, assault and battery, conversion and trover, trespass and burglary, together with an innumerable tribe of different misdemeanors. Contending, therefore, (as he described himself) against the mode of prosecuting through the Attorney General, against a trial by jury, and against the institution of a suit in the Court of King's Bench, it might naturally be asked, whether he would wish to introduce a bill of pains and penalties, and to collect the evidence which such a mode might render requisite? To this question he should not hesitate to reply, that the procedure must press, with the severity of injustice, upon the party prosecuted, and tarnish, in no slight degree, the character

rafter and honourable dignity of the House; of which the members would thus appear to present themselves a motley set, at one moment in the capacity of accusers, and at another moment in the deciding rank of judges: and, certainly, it appeared an act of violence to force a supposed criminal into an anticipation of his defence, and to order him to attend, together with his counsel, at the bar, for the purpose of stating (in the presence of an assembly, the members of which preposterously presided in the two-fold capacity of accusers and of judges) to what ground he meant to resort for proofs of his innocence, when required to enter upon his exculpation in another place; the forms and rules of which, exacting evidences on oath, were more within the spirit of the customary practice of judicial trials. His invincible objection to a bill of pains and penalties would of course lead him to the proposition of another mode; and this, at once antient and constitutional, was a procedure by a bill of impeachment; yet, even in the adoption of this measure, he would not endeavour to introduce the usual practice of first moving an immediate bill of impeachment, and next instituting a Committee for the purpose of discovering and arranging articles; in order that they might serve as its foundation: a recourse which, in his humble opinion, carried with it an appearance of warmth and prejudice exceedingly repugnant to the justice, dignity, and honour of the House. With their permission, he should move for papers, from the contents of which he would endeavour to collect the several articles into their necessary points of view; and when these should, in the contemplation of the House, seem (as, without rancour, and, in the cool spirit of impartial justice, he could venture to intimate his belief that they *would* seem) charges of an atrocious nature, he then designed to move for an impeachment at the bar of the House of Lords. This grave and solemn measure would not only prove congenial with the weight and high authority of the representatives of the People of Great Britain, but most powerfully contribute to the attainment of all the awful and decisive consequences which could arise from justice. On this occasion it was superfluous to dwell upon the indisputable necessity of acting with the most guarded caution and the coolest impartiality. In the very moment when an accuser brought his charges against another, was he, in a considerable degree, himself standing under a state of accusation! Conscious how religiously he was obliged to act upon the surest grounds, he chose the line of conduct to which he now alluded, persuaded that this, of all others, might be pursued, without the least danger of either plunging into error, encroaching upon the purity of law by violent oppression, or deviating, in any case, from that invariably

invariably equitable point to which the course of real justice perpetually ran. He lamented (but he felt it unavoidable) that the inquiry must become personal; nor was he *now* to learn, that if, in the present instance, the people of India could be permitted to make a choice, they would prefer procedure, of which the result might discover the existence of peculation, yet not reveal the peculator; might bring into the face of day the proofs of scandalous corruption, yet hide equally, from all inquiring eyes, the corruptor and the corrupted; might make it manifest with what invincible fatality the torrent of outrageous vice broke down and dashed away each obstacle before it, yet kept the vicious individuals entirely concealed from human penetration; and, in a word, might imitate the verdict of a coroner; declare that murder had taken place; but add, that it was committed by persons unknown. For the purpose of tracing peculation to the peculator, corruption to the corruptor, and vice to the vicious, were the various Committees employed from time to time in obedience to the votes and orders of the House; and the result was, that the Committee, at which a spirited and truly irreproachable individual (Mr. Gregory) presided, during the course of three successive years, *did* (as well as two subsequent Committees) *declare*, that it was impossible for the Government in the East Indies to be foul, and the head of Government pure. Under all these circumstances, and keeping in his view the resolution of the House accusatory of Mr. Hastings, Mr. Burke declared that he should consider himself justified in all his succeeding motions, of which the first would be,

“ That copies of all correspondence, since the month of January 1782, between Warren Hastings, Esquire, late Governor General of Bengal, and the Court of Directors, as well before, as since the return of the said Governor General, relative to the presents, and other money, particularly received by the said Governor General, be laid before this House.”

Mr. Windham seconded this motion.

Alderman
Le Mesurier

Alderman *Le Mesurier* considered it as reprehensible that the honourable gentleman should not have stated to the House all the papers for which he meant to call; neither had he opened the points to which those papers were meant to be applied. This, doubtless, was always customary; and indeed common sense required that such a mode should constantly prevail, as the House would, otherwise, become drawn on, step by step, till they could not know how to recede, in like manner as they had heard the preceding day of men being *deduced by a series of logical deductions, till they were drawn to a result which their understandings denied.* The resolutions

tions (unless he greatly mistook) had passed in a very thin House; they ought not therefore to be made the ground of so serious a proceeding. Mr. Hastings had proved himself a meritorious servant of the Company, and in giving him that character, he spoke impartially, as he was a perfect stranger to Mr. Hastings, and did not even know his person; but from all which he had seen of the records of the Company during the two last years, throughout which period he had been in the direction, he saw no reason whatever to suppose Mr. Hastings such a delinquent as the honourable gentleman had thought proper to describe him. The honourable gentleman had chosen to indulge himself in some remarks relative to the trial by jury, and therefore, surely after so public an avowal from that side of the House of an opinion against trials by jury, whenever the new court of judicature, instituted under authority of the East-India bill, should fall again under discussion, they would not hear the gentlemen on the other side, expressing their disapprobation of it in such vehement terms, as was their usual custom. In conclusion, the Alderman again expressed his ardent wish, that the honourable gentleman would, in common candour, state to the House the whole of the papers for which he meant to move.

Mr. Dundas remarked, that, previous to their decision on Mr. Dundas the present subject, a variety of pointed strictures, manifestly levelled at him during the course of the right honourable gentleman's observations, induced him, at one time, to imagine that he was himself the criminal whom the right honourable gentleman had determined to bring to justice. He was glad, however, on that occasion, and he should always rejoice if gentlemen, when they meant to say any thing which bore allusion to his conduct, would say it in that House, and in his presence, when he might be supposed enabled by these means to answer it, and to make that sort of reply which the accusation might appear to merit. He never was ashamed, nor need he blush to meet all who had any thing to say against him, face to face, and he rather wished that they would act in that manly way, and not attack him in anonymous libels, and delusive pamphlets, crammed with false and illiberal charges brought against him behind his back, and circulated with industry through every corner of the kingdom. From many parts of the right honourable gentleman's speech, it appeared, that the right honourable gentleman had been of opinion, (which he, indeed, had freely communicated to the House,) that *he* ought to have been the person who should have taken upon him the office of the accuser of Mr. Hastings. Why the right honourable gentleman should have chosen, for one moment, to entertain such an opinion, or upon what ground it was that he had formed it, he was utterly

at a loss to imagine, because at no one period of his life-time had he ever said, or even dropped the most distant hint that he meant to become the accuser of Mr. Hastings; but, on the contrary, he had again and again declared, that he had no such intention; and he appealed to those who sat with him on the Secret Committee, two of whom he saw opposite to him, (Colonel North and Mr. Ellis,) whether he had even glanced at such an idea? He had, undoubtedly, been the person to suggest the string of resolutions which appeared upon their journals; and he did not feel the smallest scruple to admit, that the same sentiments which he had entertained respecting Mr. Hastings, at the time of proposing those resolutions, he harboured concerning him at that moment; but were these sentiments, from which it was warrantable to infer, that he supposed the conduct of Mr. Hastings such as made him a fit object for a criminal prosecution? Far from it. To what did the resolution, upon which the right honourable gentleman had laid so much stress, proceed? To nothing more than the recal of Mr. Hastings; a matter which he, at the time, thought expedient, and had recommended to the House in this particular light; all which gentlemen who were present must well remember. For his own part, he had not the smallest objection to go over all the matter which had been discussed at the time, and to state to the House upon what ground it was that he thought it advisable to recal Mr. Hastings in 1782. With respect to the conduct of Mr. Hastings previous to 1782, the breach of the treaty of Poorunder, and the great and expensive establishments which Mr. Hastings had made in India, he should briefly remark, that he, on these two occasions, thought him highly culpable at the time, and still he entertained the same idea; but he did not think that the procedure of Mr. Hastings amounted to criminality. He had examined his conduct minutely; and he always found, that when there was any improper conduct observable in Mr. Hastings, every possibility of annexing a criminal intention to it eluded his grasp, and there was always some letter of the Court of Directors, or some strong reason to justify Mr. Hastings at the bottom. In order to explain the expensive establishments in India, he should beg leave to read a letter written home by Mr. Hastings in 1782, in which, upon that subject, (Mr. Dundas now read a letter,) Mr. Hastings complained of the situation he was in, in consequence of so many writers being sent out to him, declaring, that he had at that time two hundred and fifty young men, the younger sons of the first families in Great Britain, all gaping for lacks, and scrambling for patronage, in the hopes of getting fortunes soon enough to return in the prime of life, and spend the remainder of their days in their native country.

country. This remonstrance (Mr. Dundas added) was received in England in the beginning of the year 1783,—and what was the attention paid to it? During that immaculate year, when Sir Henry Fletcher sat at the head of the Board of Directors, so far from a restraining hand being extended over the increase of the establishments of India, no less than thirty-six writers were actually sent out. Indeed he had not the list of the writers about him, but it was pretty obvious from what shop they came. The right honourable gentleman (Mr. Burke) had considered that part of the letter as essential, having marked a part of it by an alteration in the printing. Nor was the hand of the right honourable gentleman much less visible in some of the dispatches of the Court of Directors of that period, from the style in which they were written. To return to Mr. Hastings, Mr. Dundas added, that he had since 1782 done essential services to the Company, and had received the thanks of the Court of Directors; not that he meant to shelter himself under their minute; had he been a Director, most undoubtedly he should have signed the minute of thanks, being thoroughly convinced that they were merited by Mr. Hastings. And, upon this occasion, he felt it necessary to declare, that, although he thought it expedient to have recalled him in 1782, on account of the breach of the treaty of Poorunder, and on account of the extremely expensive establishments introduced by him in India, yet he much rejoiced that this resolution had not been carried into effect, because in such a case he should have proved the means of depriving the Company of a most valuable and useful servant, and the Public of a Governor General of India remarkable for uncommon ardour, abilities and capacity. Mr. Dundas observed that he should not advance the least objection to the motion, nor would he have troubled the House at all, had not so much been said personally to himself, that the House, he was persuaded, must have felt that it was due to them, that he should rise and give some explanation on the points to which the right honourable gentleman had directed his allusions.

Mr. Fox declared that he had not the smallest idea of speaking during the course of the debate, nor would he have interrupted the honourable gentleman (Mr. Rous) who was on his legs at the same time when he rose, had not some observations fallen from the right honourable and learned gentleman (Mr. Dundas), under which it was impossible for him to remain a moment silent. The only way in which he could meet the matter, was to oppose assertion to assertion; and to declare upon the word and honour of a gentleman, that if, in talking of the thirty-six writers sent out in 1783, when Sir Henry Fletcher sat at the head of the Board of East-

India Directors, and when he had himself the honour to be in administration, the right honourable and learned gentleman meant to insinuate, that he had been concerned in sending out any, he was completely and perfectly mistaken. In the whole course of his life, he never had sent out, or rather procured to be sent out to India, but one single writer, and that was at the time when the Earl of Shelburne, now Marquis of Lansdown, presided over His Majesty's Councils. That, upon his word of honour, most solemnly pledged to the House, had been the only writer for whom he had ever procured a recommendation, and succeeded. Indeed, if the House would recollect a little, it was not very likely, that the administration in which he had the honour to be, should stand remarkably well with the Board of Directors, as it was well known what their intentions were at the time, with a view to effect a reform of the Company. Mr. Fox added, that he considered it right to say thus much in consequence of the insinuation of the right honourable and learned gentleman, and the manner in which it had been conveyed to the House. Previous to his sitting down, he should beg leave briefly to touch upon the consistency of the right honourable and learned gentleman, who, when hard driven to the point, and obliged, as it were, to defend his own conduct, had done that, which heaven knew the right honourable and learned gentleman could do at all times, with his opponents face to face, let the argument bear as much as it would against him; but what sort of a defence had the right honourable and learned gentleman made? He had been reduced to the necessity of admitting, that he at one time entertained an opinion that Mr. Hastings, with respect to certain points, proceeded in a manner highly culpable; nay, he had added, that he was still of the same opinion, although almost in the same breath, certainly in the same speech, he had declared that he entertained a high opinion of Mr. Hastings, and praised his conduct as warmly in the latter part of his observations, as he had abused it in the former part. And what points had the right honourable and learned gentleman chosen to select as the points in which he considered Mr. Hastings as having been highly culpable? Merely the two points of the Rohilla war, with the breach of the treaty of Poorunder, and in having introduced expensive establishments in India. Gracious heaven! did the whole idea which the right honourable and learned gentleman entertained of the culpability of Mr. Hastings amount only to this? Had the House heard nothing of Corah and Allahabad? Of Cheyt Sing? Of the Begums? And of all the long catalogue of crimes committed in India, to the infinite disturbance of the peace of the country, to the misery and even butchery of the natives, to the destruction

tion of all confidence in British faith, and to the everlasting disgrace of the British name and character in Hindostan? Mr. Fox now read the resolution immediately preceding that in which the House resolved in 1782, that Mr. Hastings and Mr. Hornby should be recalled, and appealed to every man of common sense, whether that marked and strong censure did not go immediately to Mr. Hastings and Governor Hornby? It was not in language to express disgrace more strongly than to declare that the delinquents ought to receive some mark of parliamentary displeasure. Certainly these two resolutions, and the obvious construction of both, with the vote of recall passed at the India House, in which Governor Hastings was permitted to resign in consequence of his long and meritorious services, was not a little strange.—How was this mode of recall to be reconciled to the resolution which stigmatized Mr. Hastings, and declared it as the opinion of the House that he deserved some mark of parliamentary displeasure? Was it not a contradiction insulting to that House, and inconsistent to a shameful degree? The right honourable and learned gentleman thought proper to declare that he would not have sheltered himself under a minute of the Board of Directors, but that had he been a Director, he would have signed that minute likewise; and, therefore the right honourable and learned gentleman, who had himself prevailed upon the House of Commons to resolve in a grave and phlegmatic form, but in strong and energetic phrase, that Governor Hastings deserved parliamentary censure would have given that gentleman thanks for his long and meritorious services. What egregious inconsistency! For the word *long* in the minute of recall, undoubtedly comprehended the whole of the services of Mr. Hastings, as well those before 1782, as those subsequent to this period. During the commencement of the debate, a right honourable gentleman, (Mr. Burke) had been censured by a worthy Alderman, (Le Mesurier) for his supposed remark in respect to trial by jury. The worthy Magistrate had misunderstood his right honourable friend, who had not expressed any disapprobation of the general principle of trials by jury, but merely observed that the cause under consideration was of too much magnitude for the cognizance of the Court of King's Bench, and had proposed to appeal to a tribunal and a form of trial as ancient as the constitution itself, of which it was a part. Thus had his right honourable friend evinced, that the highest species of offenders might be brought to trial, without resorting to any novel experiment on the constitution, but in a manner conformable to usage, and before an ancient, legal, and constitutional tribunal. All this amounted to one powerful proof, that the new Court of Judicature,

which took away the birth-right of Britons, made that evidence that was not evidence before, and obliged criminals to accuse and to convict themselves, was not only a tribunal unconstitutional in its origin and its principle, and tyrannical and oppressive in its practice, but altogether needless.

The Chancellor of the Exchequer.

The *Chancellor of the Exchequer* remarked that he should have contented himself with giving a silent assent to the motion, had he not heard such extraordinary language used by the right honourable gentleman who spoke last. He should however have been ashamed of his own feelings, could he have tamely suffered such insinuations to be made, and that by a man so circumstanced as the right honourable gentleman, without expressing some part of that indignation with which his breast was filled, and in which he trusted that no person of generous and honourable principles could avoid taking a part. What had been the charge made against his right honourable and learned friend? A charge of inconsistency, in now bearing testimony to the merits of an individual whom, upon a former occasion, he was supposed to have considered as an object of censure. And by whom was this charge advanced? Let the House compare the charge and the party from whom it proceeded, and then judge whether he deserved censure for suffering his temper to be somewhat ruffled by so barefaced and so shameless a conduct.—Yet, indeed the right honourable gentleman had not deviated from his consistency of argument, when having first taken it for granted that his right honourable friend had, during a series of years continued to vent the most injurious and violent charges, to load with the grossest and most extravagant reproaches, and to threaten with the severest punishment a certain individual; he inferred that he was now become a convert in his supposed opinion, and had taken upon himself, from his own recent practice and experience, to dictate the form of words in which the recantation of his friend ought to have been made. [The members on the other side of the House cried out, hear him! hear him!] But his right honourable friend had no need of such a tutor as the right honourable gentleman, nor had he committed so egregious an absurdity as the right honourable gentleman thought proper to lay to his charge with a force of colouring which would have led the House, had they not too well known the person from whom it came, to believe that his heart was in truth capable of feeling and abhorring the meanness and unbecomingness of the conduct he had imputed to his right honourable friend. Eager to fix this imputation upon his right honourable friend, the right honourable gentleman had gone so far as to use the most unjustifiable language, no less than a direct charge of falsehood, for which, however, find-

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ing even the most violent members of the House apparently shocked, he had apologized by saying, that he did not mean to apply the word in its generally offensive sense (an abuse of words into which the warmth of the right honourable gentleman's temper often betrayed him), yet he would still contend that his right honourable friend's attempt to prove, that those resolutions which had been read, were such a pledge of his disapprobation of Mr. Hastings's general conduct, as must stamp with inconsistency any subsequent approbation of any part. He should regard his time as wretchedly lost were he to answer such a miserable attempt at wit, as the right honourable gentleman had made, when he talked about meeting him face to face, but he held himself in readiness fairly to meet any appearance of even plausible argument. The right honourable gentleman seemed determined to represent the acquiescence which his right honourable friend had acknowledged to the principle of the vote of thanks of the Directors, as an unanswerable proof of his having changed his opinion with respect to those parts of Mr. Hastings's conduct which he had formerly censured: and yet, whoever read with calm impartiality the vote alluded to, could not remain one moment under difficulties to discover, that in adopting the spirit and tenor of that vote, his right honourable friend could not have proceeded beyond the line of mere thanks to Mr. Hastings for some recent instances of his conduct, cautiously guarding against the most distant encomiums upon those preceding parts which were the objects of his severest and most animated reprehension.

It did not, however, in the least excite his astonishment to find that one specimen of the right honourable gentleman's idea of consistency was the position, that where one fault could be found in any person, no merit ought, by any means, to be admitted, but that uniform reproach and unremitting censure should always prove the consequence of a single difference of opinion. The right honourable gentleman could not, surely, feel a necessity for coming to so full an explanation of his sentiments on that head; because his conduct had already made them sufficiently public. For his own part, he should not measure his opinions by persons, but by principles: and, this was true consistency; for, always to oppose, and always to agree with the individual, except upon principle, was the worst of all sorts of inconsistency; it was, however, such as the right honourable gentleman need not have taken so much pains to hold up as that which he thought the proper line of conduct; for, his actions were, in this case, the full test of his sentiments. In pursuance of that doctrine—to abide by principles, and not by persons, in forming an opinion of men's conduct, there could be
nothing

nothing more reconcilable than the propriety of condemning the party on one set of principles, and of acquitting, nay, of applauding him on another. This his right honourable friend had done with respect to Mr. Hastings.—Considering his procedure under certain parts of his administration, and when embroiling the affairs of India by unnecessary and expensive wars; exciting the distrust and animosity of the native princes against this country, by infraction of treaties, and the extermination of a whole people, no doubt but he must have highly repented and disapproved of such a conduct; but again when he contemplated the exertions of his almost unprecedented talents in the unexpectedly great business of restoring peace and tranquillity, re-establishing a confidential intercourse with the neighbouring powers, and redeeming the credit of the government, he would act highly inconsistent with those feelings and principles, which, upon a former occasion, excited his indignation, if he were not at once to acknowledge and to applaud the merit which had produced such good effects. He held it absolutely necessary, in point of justice and right, to examine the whole of the public conduct of any servant of the people, to give him due credit for such parts as were meritorious, as well as to censure him for such as were culpable; and, for his own part, he should not hesitate one moment to declare that, however censurable some parts of Mr. Hastings's conduct might be made to appear, he must, notwithstanding, consider such as were praise-worthy as intitled to the warmest approbation; nay, as a sufficient ground for reward and thanks, could they be proved to predominate over whatsoever was exceptionable. The two right honourable gentlemen on the other side, had contended that his right honourable friend, in moving the resolutions which were read, expressly pledged himself to institute a criminal inquiry, of which those resolutions were to stand forth as the foundation. This position he must positively deny, as the object of those resolutions was manifestly of a very different tendency, and simply went to establish the necessity of Mr. Hastings's recall, not on account of mal-administration, but because having lost the confidence of certain neighbouring Princes, he would (as it was then conceived) lose the power of reducing the confused and unsettled state of those countries to order and regularity. Were it to be admitted, according to the apparent idea of the right honourable gentleman, that a vote for the purpose of recalling a Governor, on motives of policy, ought necessarily to be considered as a ground of a criminal prosecution,—such a doctrine would draw after it the most monstrous consequences; for it must either reduce Parliament to the necessity of hesitating concerning such a measure,

sure, however urgent the occasion might prove until after a full examination of the conduct of the Governor, or it must lead to the greatest oppression, by rendering a prosecution indispensable, although no adequate inquiry might have been instituted to determine on its propriety. At all events, it was unanswerably demonstrable that, at the passing of those resolutions, they were not intended as a foundation for any criminal proceedings, because they contained in themselves the whole of the object for which they were calculated; incontrovertibly establishing the position that it appeared necessary to introduce and maintain a confidence with the princes of India. Certain Governors in India having also lost that confidence, it was advisable—What?—to punish? No! but to recall those Governors.—Whether the conduct by which the confidence of the native Princes was lost, had been occasioned by the execution of orders from home, or resulted from the imprudence of the Governors themselves, was a question by no means involved in either the propriety or impropriety of the recall, because to be the agents in a system of which the people of India disapproved, would as effectually destroy the confidence of those people as to have become the original devisers of it. Therefore, however guilty Mr. Hastings might possibly prove, the resolutions now referred to, were by no means a charge against him; because whether innocent or guilty, his return from India was apparently necessary at the time, and those resolutions only went to point out and state how absolutely such a necessity existed.

The right honourable gentleman had dwelt on the extermination of the Rohillas with all the exaggerated and heightened colouring with which he was in general used to grace his argument; there was no person who had heard him, but would have imagined that this event had been, in fact, attended by the unexampled barbarity, even not less than the massacre of all the wretched inhabitants of the country, without distinction of age, sex, or condition; and he had also represented it as a subject, on which his right honourable friend thought so highly as to make it a matter of speculation and inquiry, whether such a proceeding put in the estimate with a sum of forty lacks of rupees were justifiable or not. His right honourable friend had never entered upon such an inquiry; neither did he suggest any such doubt; having barely stated in his resolution, that the desolation of the country was not necessary towards the recovery of the money; nor had he at all gone into a consideration of the measure itself, with respect either to its justice or humanity, but simply with an eye to its efficacy towards the object which it was intended to promote. But this was not the

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only mark of dissimulation from the right honourable gentleman, because he was by no means justified for having represented in such melancholy language, the extirpation of that people, since it was not as he had appeared to insinuate, a destroying and cutting off the lives of the people, but merely the removal of them to a different place. He should not be surprised to hear himself represented, in consequence of what he was now saying, as having attempted to describe the forcing a people from their possessions and removing them to a distance, as in itself exceedingly insignificant, and, of course, not liable to the reproach of injustice and inhumanity; but he had personally experienced so much of that uncandid manner of arguing, that he could now coolly disregard and despise it. He did indeed consider such an extermination (though far short of letting loose all the horrors of fire and sword, as the right honourable gentleman had endeavoured to represent the affair of the Rohillas) in a most horribly alarming point of view, and so repugnant to every sentiment of human nature, that nothing could possibly justify it except the strongest motives of political expediency, and that, throughout, irrefragably supported by all the invincible principles of necessary justice.

The right honourable gentleman who introduced the debate had thought proper to set off with an attack upon his right honourable friend for not having come forward in the present case as the prosecutor of Mr. Hastings.—He had already shewn why it was not his right honourable friend's duty to adopt the measure on the idea of his having been pledged to it by the resolutions.—But, perhaps, the right honourable gentleman imagined that his right honourable friend would have proved the most proper person to have conducted the business of the prosecution, and, for that reason, independently of the notion of his having been committed, wished him to have taken it upon himself. He must confess that if there were any real guilt to be investigated, and any punishment to be inflicted, he joined in opinion with the right honourable gentleman, that his right honourable friend would indeed prove full as proper a person to take the lead, and full as likely to accomplish all the purposes of public justice, as those gentlemen into whose hands the prosecution had fallen. But as another right honourable gentleman observed that there were occasions, when the bounds and established rules of justice ought to be overleaped, and a prosecution conducted rather by violence and resentment, than by the dull forms of ordinary proceeding; perhaps considering the present business in that point of view, the gentlemen who had taken it up, were the fittest persons to carry it through all its branches from the beginning to the end.

With

With respect to the breach of the treaty of Poorunder, and the seizing on the provinces of Corah and Allahabad, he must beg leave particularly to remind the House that, subsequently to the transactions in those provinces, which took place during either the year 1772, or 1774, an act of Parliament had been passed altering the whole system of East-India Government, and instead of a President and Council of Bengal, appointing Mr. Hastings, by name, Governor General of the whole of the settlements. It would therefore prove at once highly inconsistent and absurd to consider him at the present period in the light of a culprit for any measures taken previous to his nomination to that distinguished post, which in itself was the highest certificate of the approbation of Parliament. All the papers required were certainly very proper to be laid before the House, let the mode in which the prosecution should be conducted by the right honourable gentleman be what it might. He should, for the present, avoid giving any opinion respecting the several proposed modes of trial; but, as the right honourable gentleman had appeared to determine upon impeachment, as the best calculated to answer the end proposed, he hoped that he would as early as possible make the House acquainted with the different steps which he proposed to take, and as explicitly as possible mark out the nature and extent of the charges intended to be made.—He was happy to feel that he should come to the business with the most perfect impartiality; and should the right honourable gentleman bring fully home to Mr. Hastings the violent imputations of atrocious crimes, he, for his own part, far from screening, would wish to bring down upon him the most exemplary punishment.

Mr. Fox begged leave to remind the right honourable gentleman that the minute upon which he had invariably argued was the vote of the General Court wherein it was expressed that Warren Hastings, Esq. should be permitted to return home, in consequence of his *long* and *meritorious* services.

Mr. Dundas said that he could assure the right honourable gentleman (Mr. Fox) that he had alluded to the vote of thanks of the Court of Directors.

Mr. C. W. Boughton Rous observed that he felt it requisite to meet with a reply that part of the right honourable gentleman's (Mr. Burke) speech, in which he had insinuated, that as he (Mr. Rous) originally seconded the motion for the Select Committee, it would have proved more becoming had he brought forward the business of that day. On this occasion, the right honourable gentleman would please to recollect that he not only seconded the motion for the Select Committee, but acted as one of its members; and when its first object was the investigation of the state and proceedings of the

the supreme judicature of Bengal. On this Committee did he sit during the second session; but, at length, the great object was, to his great astonishment and concern, most materially departed from, and points actually foreign to its nature received the preference in discussion. During the third session his name was put, without any previous intimation, and even without his knowledge, on the Committee, whilst he remained absent in Shropshire. Not, therefore, attending, with what propriety could the right honourable gentleman think of selecting him as the necessary person to move an impeachment against Mr. Hastings; against Mr. Hastings whom he had not considered as a criminal?

Mr. Francis.

Mr. Francis observed that the strong impressions made upon General Clavering's mind and his own, relative to the extremely barbarous mode of prosecuting hostilities against the Rohillas, proceeded from informations given to them by a British officer, then invested with the command of the troops employed on the occasion.

Mr. Vansittart.

Mr. Vansittart contended, that in general the nature of the Rohilla war was little understood; and that the *extirpation* of the Rohillas had *never* taken place. Mere chance, inattention, or error had introduced the word *extirpation*; and thus it stood, falsely and absurdly translated from a term (of a different meaning) in the Persian language.

Lord North.

Lord North remarked, that, on the present occasion he felt it necessary to bring back to the recollection of the House that, with their consent, he, during the year 1774, assisted in nominating Mr. Hastings Governor General of Bengal; that in 1776 the Directors (and this not improperly) removed him; but that a majority of the Court of Proprietors overpowered their act, and once more confirmed Mr. Hastings in his government. It was once conceived that a certain gentleman (Mr. Laughlin Maclean) would have proved able to bring Mr. Hastings to a resignation of his government; but, when the former reached Calcutta, the latter disowned him and kept his post. During no inconsiderable period, affairs prospered under the administration of Mr. Hastings. The circumstances of the Rohilla war were most imperfectly understood in England, previous to their investigation and subsequently faithful and copious description by the Secret and Select Committees. Then, indeed, did censure alight upon the conduct of Mr. Hastings; and not only this gentleman, but even the Court of Directors, were deemed reprehensible for the breach of the treaty of Poorunder. Lord North added, that, for his own part, he did not then it prudent to recal Mr. Hastings, Great Britain being
of a war with France, who was likely to turn her
ast the English territories in the East Indies; but
not

not less likely to find their progress effectually checked by military measures resulting from the plans of such a vigorous and able mind as that of Mr. Hastings.

When General Clavering, Colonel Monson, and an honourable gentleman near him (Mr. Francis) arrived in India, and secured a majority in Council, the Government became, of all others, the best conducted, yet was not of very long duration, two of the gentlemen dying. With regard to the charge of inconsistency, about which so much had been said, his right honourable and learned friend must give him leave to contend, without meaning to impute inconsistency either to him or to any other individual, that a manifest want of consistency appeared between the resolution which declared that Mr. Hastings had acted in a manner disgraceful to the national honour, and deserving of parliamentary displeasure, and the vote of recal, which spoke of his *long* and meritorious services; for the word *long* indisputably went to the extent of comprehending *all* his services; and surely no absurdity could be more glaring, whilst this resolution remained upon the Journals in all its full and unrescinded force.

Major Scott rose next, and said:

Mr. Speaker, as the right honourable gentleman who opened the business of this day, amidst all his declamations, has not thought proper to bring a single charge against Mr. Hastings, I shall not intrude myself long upon the indulgence of the House. It is true he has promised a great deal; but I have been accustomed to the right honourable gentleman's pledges on former occasions. He has thought proper sometimes to descend from the high and important station he fills in this country, to the rank of a common pamphleteer; and I now hold in my hand, Sir, a speech published by Mr. Doddsley, as what the right honourable gentleman said in this House on the 1st of December, 1783, before I had the honour to be a member of it. But when it appeared to the world in the shape of a pamphlet, I had an opportunity of meeting the right honourable gentleman upon equal terms. I replied to it, and I appeal to the good sense of every man in the House, and out of the House, who is not tinctured by party prejudices, to declare whether I have not satisfactorily refuted every charge of every kind that the right honourable gentleman brought against Mr. Hastings. His speech and my answer are before the public, and they have pronounced in my favour. The charges are numerous; they are the essence of all his reports; and if they had been true, Mr. Hastings deserved to have lost twenty lives, if he had had them, for the magnitude of his crimes. I will go farther, Sir, as I have already refuted what the right honourable gentleman has asserted, I am not afraid of pledging myself to

refute all that he may hereafter produce in the course of this inquiry. The right honourable gentleman now proposes to proceed against Mr. Hastings; but how does he do it? He comes forward this day to move for papers, in order to found his charges upon. If the right honourable gentleman was a fair accuser, who acted from a regard to public justice, and not for private vengeance, would this be the mode of his proceeding? Year after year the right honourable gentleman has pledged himself to God, this House, and to his country, to prove Mr. Hastings a most notorious delinquent. Last year, seven weeks before the House rose, the right honourable gentleman declared his intention of prosecuting Mr. Hastings; but it would have saved time, it would have enabled the House to go on this business the second day of this session, if the right honourable gentleman had then moved for the papers he now intends to call for, and it would have been the conduct of a manly, fair, and honourable accuser, if the right honourable gentleman had given Mr. Hastings some intimation of his mode of proceeding, by stating to the House what he has now stated. Such conduct would indeed have been fair, honourable, and parliamentary, but it would not have been the conduct of a man who takes the Duke of Parma for his model, "*Dolus an virtus quis in hoste requirit.*" This, House, however, will not I trust adopt the sentiments and conduct of the right honourable gentleman. I have a confidence in the honour and justice of this House, and I am sure that they will protect a man who is universally allowed to have performed great and important services to his country, from unqualified abuse, and unmerited calumny. The right honourable gentleman has talked much of the labours of his Committee, and the accuracy of the reports—but, Sir, I assert that the Reports of the Select Committee are partial and unjust; that the most unwarrantable means were used to criminate Mr. Hastings in those Reports, and that whenever any evidence appeared that served to exculpate him, it was suppressed. I do not make this charge lightly. I pledge myself to prove it; and if I do not prove it, I will consent to be called a calumniator in the face of this House. Nay, Sir, I will now state to you two curious facts. The Select Committee summoned a gentleman of high rank in the Company's civil service before them. I was in the committee room, an open committee room, as a spectator, and was turned out very civilly, by the right honourable gentleman—who then asked various questions of the person who had been summoned, but finding that his answers were not tending to the purpose the right honourable gentleman wanted, he told the Committee there was no necessity to examine the gentleman they had summoned

summoned. Will the House approve of this mode of proceeding? The Committee summoned an officer of high rank before them, Lieutenant Colonel Robert Stuart; the right honourable gentleman examined him, as to what he deems his strong hold, the state and condition of Oude. Colonel Stuart's answer to the right honourable gentleman's first question was perfectly satisfactory that Oude was in a ruinous state; but unfortunately the Colonel attributed, in his reply to the next question, the ruin of Oude to its true causes—to causes that followed from measures which were not the measures of Mr. Hastings. He then examined him as to the Begums and their eunuchs. Colonel Stuart stated instances of their disaffection and intrigues many years ago, so early as 1776. What was the consequence? The evidence is completely suppressed. I engage to prove to every man of common sense that that evidence was most material for the exculpation of Mr. Hastings, and that it contains more matter of fact than half the Reports, but it was wholly and completely suppressed. The most attentive reader of the Reports knows nothing of Colonel Stuart or his evidence. The House and the nation know the scandalous uses to which these unjust, and partial, and imperfect Reports were applied upon a great occasion, which fortunately failed. I do not mention the matter lightly; I accuse that Committee of the grossest partiality, and I am ready to prove it. Long before I had the honour of a seat in this House, I have often sat with surprise and astonishment in the gallery, while the right honourable gentleman has been describing in terms more glowing than I supposed the warmest imagination could have invented, the murders, robberies, oppressions, and cruelties practised by British subjects in India. Upon these occasions, Sir, I have been sometimes led to think that the greatest part of my life has not been passed in the fertile plains of Bengal, but in some distant quarter of the globe, so remote were the right honourable gentleman's descriptions from the real state of facts. Upon this subject I shall say more when the condition of Almas Ally Cawn, with his unfortunate wives and children, and the oppressed Princes and Begums, shall come regularly before us. The right honourable gentleman's character was once high and reputable in this country. Why it is not so now, is perhaps owing to his intemperate persecution of a man whose merits are universally acknowledged. And I repeat it, Sir, that the most unjustifiable means have been used to depreciate his character, means that however unworthy the dignity of a member of this House, taking up a great public subject, upon great public principles, are strictly consistent with the character of a man who takes the Duke of Parma for his model, and professes to attack Mr. Hastings.

upon the grounds that that General attacked Henry the Fourth—But the right honourable gentleman has now stated that he will produce specific charges as soon as he gets the papers he means to move for. I hope there will be no delay. I promise the right honourable gentleman, upon my honour, that I will assist him in the production of papers as far as I can; but though I do not wish to narrow his ground, yet I hope the House will understand that the right honourable gentleman's pledge was made previous to the existence of any of the papers that he now may move for, and I confide in their justice and honour not to permit any unnecessary delay—and here I hope I shall be in order, if I say I speak the sentiments of Mr. Hastings on this subject: I had the honour to be long employed for that gentleman; by his return to England, my agency has of course expired; but I entertain for him the warmest sentiments of affection and regard. My own reputation too is concerned in the issue of this business; but that, Sir, is of very small consequence, compared to the importance of this inquiry—I speak this for Mr. Hastings, when I say, that he most anxiously wishes for an inquiry into his conduct, the most rigid that this House can adopt, that he wishes it to be brought down to the very day of his departure from Bengal, and to rise or fall in the opinion of this House and this country by the result of this inquiry. But while he expresses his solicitude for an inquiry, he throws himself with confidence upon the honour and justice of this House; and he trusts they will not suffer his character to be the sport of calumny for three years to come, as it has been for three years past. He trusts the House will protect him from that general unqualified abuse to which he has been so long subject; and as this House is not actuated by the principles of the Duke of Parma, he hopes that the right honourable gentleman will be directed to bring specific charges to which plain and direct refutations can be given. I say for myself, Sir, that already there has been unnecessary, intentional delay. The right honourable gentleman, acting as a member of Parliament, can give no one reason why he did not state to this House last June what papers he wanted, and what mode he meant to pursue. Acting as the Duke of Parma, he had good cause to proceed as he had done.

And now, Sir, before I sit down, I beg to say a few words in reply to what fell from the noble Lord relative to the Rohilla war, the sale of Corah and Allahabad, and the stoppage of the King's tribute. The Rohilla war was not, I avow, the war of Mr. Hastings. It was founded on measures which were adopted before Mr. Hastings arrived in Bengal, and on measures which he disapproved. I was a Lieutenant in Bengal, and upon the service which produced the Rohilla war.

I shall

I shall state my facts from a record now upon your table; from the Fifth Report of the Secret Committee, presented to the House by the right honourable and learned gentleman below me. It there appears, Sir, that in consequence of a threatened invasion of the Mahrattas, a treaty was entered into between Sujah Dowlah and the Rohillas, one condition of which was, that on the expulsion of the Mahrattas from Rohilcund, by the joint forces of Sujah Dowlah and the Company, the Rohillas were to pay forty lacks of rupees to Sujah Dowlah. To this treaty General Sir Robert Barker, on the part of the Company, was the guarantee. This agreement was faithfully performed on the part of the English, and Sujah Dowlah. We marched under the command of Sir Robert Barker into Rohilcund. We pursued the Mahrattas across the Ganges, forded it after them, and continued encamped on the banks of the Ganges till the rains set in, when we returned to our own provinces. The money was demanded by Sujah Dowlah, and refused. In such a light did the conduct of the Rohilla chiefs appear to Sir Robert Barker, that in three several letters now on your table he pressed the Governor and Council to empower him to act against them, and states the faithless and treacherous conduct of the Rohillas to be proverbial and notorious throughout Indostan. The Rohilla war was afterwards undertaken by Mr. Hastings, in consequence of this breach of treaty. The Directors at first, when they heard it, allowed that it was justly undertaken, though they lamented the necessity. But afterwards this war was used as an instrument by the Government at home to effect the removal of Mr. Hastings.

There is another point I wish to set this House right in; for notwithstanding all that has been said on the subject of the Rohilla war, it is not yet understood either in or out of the house. The Rohillas were not a nation, as the right honourable gentleman (Mr. Fox) styles them. The inhabitants of the country called Rohilcund are Hindoos; they may probably be two millions in number, and they have never been disturbed in their possessions. The Rohillas invaded Rohilcund in 1742, when the Mogul empire was in its decline; and attempts were made to drive them again across the Ganges, but they succeeded in conquering and possessing the country. I believe their number did not exceed fifty thousand. Of these at least twenty-five thousand are now in Rohilcund with Fyzulla Cawn, and the remainder were forced across the Ganges, which the right honourable gentleman, in glowing terms, calls the extirpation of a whole nation.

With respect to the stoppage of the King's tribute, and the sale of Corah and Allahabad, these circumstances seem as little understood as the Rohilla war. With regard to the first,
Mr.

Mr. Hastings found some arrear existing on his arrival in Bengal. This he withheld, and determined to pay no farther sum till he received the orders of the Company; and why? because the King had gone with the Mahrattas to Wihly, and was actually a prisoner. What did the Company do? They approved what Mr. Hastings had done, and they particularly ordered that not a rupee should be paid to the King without special orders from England. Will you blame Mr. Hastings for this? As to the sale of Corah and Allahabad, they were to remain by Lord Clive's treaty in the possession of the King, for the support of his dignity. He ceded them to the Mahrattas. What was Mr. Hastings to do? either to allow the Mahrattas to possess them, or to take them himself, or to yield them to Sujah Dowlah, to whom they had formerly belonged. He did the latter, and received fifty lacks of rupees for them. The Company very highly approved the transaction. And I desire to ask, whether, amidst the various changes that have happened, sometimes this government possessing more power, and sometimes less, in the management of the Company's affairs, any man or set of men have ordered that the arrears of tribute should be paid to the King, or Corah and Allahabad restored to him? Certainly they have not; and it is as ridiculous as unjust to blame Mr. Hastings on these grounds.

Now, Sir, a very few words as to what fell from the noble Lord relative to the resignation of Mr. Hastings. He says, that after the Company had supported Mr. Hastings, his agent, or vakeel, Colonel Maclean, resigned the government of Bengal for him. Will the noble Lord detail to this House the secret management that brought about this resignation? If he will, I can assure the noble Lord that Mr. Hastings will be much obliged to him; for to this hour he is ignorant of it. But, Mr. Speaker, the proceeding is palpable. If Mr. Maclean did really possess authority to resign for Mr. Hastings, why not produce it to the Directors? Was that done? No. The powers were inspected by three Directors only; and one of the three declared they were no powers; but the Court agreed to sanctify them, and the resignation was accepted. We know the consequences; and I think now, as I always thought, that in that business Mr. Hastings and General Clavering were both used ill, and both kept in the dark. But the noble Lord says, after General Clavering's death he continued Mr. Hastings; and he assigns two unanswerable reasons for so doing; first, that it was the wish of his constituents; and secondly, that Mr. Hastings possessed vigour and abilities: but I really, Sir, am a good deal surprized at a distinction the noble Lord makes. I have a great respect for the noble Lord, and am not apt to treat lightly whatever falls from him; otherwise,

otherwise, Sir, I should be very much inclined not very seriously to animadvert upon a curious distinction that he attempts to draw between the original appointment of Mr. Hastings by name in this House in 1774, and the continuation of him three several times, when his first commission expired. It is true, the name of Mr. Hastings was not mentioned in 1779, or in 1780, when he was re-appointed each time for one year, or in 1781, when he was re-appointed for ten years: but this I say, Sir, that the noble Lord appointed him at these several periods, in point of fact, as much as he originally appointed him in 1774, and he has assigned an answerable reason for so doing, that he possessed vigour and abilities, and was approved of by the Company. I only wish to observe, that at these periods the Rohilla war, the sale of Corah, the charges of speculation, and the Mahratta war, were known, and had been canvassed over again and again in England. And now, Sir, I shall sit down with repeating, that on the part of Mr. Hastings, I eagerly and anxiously express my wishes for an inquiry; and I am confident that this House is too sensible of what is due to its own dignity, its own honour, and its own virtue, to be influenced in the course of that inquiry by the principles of the Duke of Parma.

Mr. *Burke*. answered, that he never failed to preserve the utmost calmness of temper, if attacked merely by personalities, but he could not hear that the Rohillas were extirpated, and a whole people deprived of their existence, without considerable warmth and indignation. Doubtless, it was wrong; it was a weakness in him to give way to his feelings upon such a trifling occasion, and he would endeavour to amend his fault. The honourable gentleman had most certainly explained the matter of the Rohillas very curiously, and not less satisfactorily to the House. The Rohillas were strangers, and therefore they had no right to the country in which they lived. Undoubtedly, the English had a better right, and a clearer title; they were not strangers, but the aboriginal native inhabitants, men with swarthy complexions, children of the sun, and, from their infancy, possessors of the soil! This being the case, to be sure they did wisely to extirpate the Rohilla race, and extinguish a whole people. Mr. *Burke* observed, that the honourable gentleman's declaration, that he had refuted all his charges, and that if he made twice as many he would refute them also, reminded him of the gallant Bobadil in the play, "Twenty more! Kill 'em!—Twenty more! Kill them too!" The champion, doubtless, was invincible, or he would not have talked so valiantly. His threat was equal to a reply once published to a sermon on the 30th of January, which was entitled, "A Reply to all the Sermons that ever have been, and to all that ever shall be preached

only mark of dissingenuousness from the right honourable gentleman, because he was by no means justified for having represented in such melancholy language, the extirpation of that people, since it was not as he had appeared to insinuate, a destroying and cutting off the lives of the people, but merely the removal of them to a different place. He should not be surprised to hear himself represented, in consequence of what he was now saying, as having attempted to describe the forcing a people from their possessions and removing them to a distance, as in itself exceedingly insignificant, and, of course, not liable to the reproach of injustice and inhumanity; but he had personally experienced so much of that uncandid manner of arguing, that he could now coolly disregard and despise it. He did indeed consider such an extermination (though far short of letting loose all the horrors of fire and sword, as the right honourable gentleman had endeavoured to represent the affair of the Rohillas) in a most horribly alarming point of view, and so repugnant to every sentiment of human nature, that nothing could possibly justify it except the strongest motives of political expediency, and that, throughout, irrefragably supported by all the invincible principles of necessary justice.

The right honourable gentleman who introduced the debate had thought proper to set off with an attack upon his right honourable friend for not having come forward in the present case as the prosecutor of Mr. Hastings.—He had already shewn why it was not his right honourable friend's duty to adopt the measure on the idea of his having been pledged to it by the resolutions.—But, perhaps, the right honourable gentleman imagined that his right honourable friend would have proved the most proper person to have conducted the business of the prosecution, and, for that reason, independently of the notion of his having been committed, wished him to have taken it upon himself. He must confess that if there were any real guilt to be investigated, and any punishment to be inflicted, he joined in opinion with the right honourable gentleman, that his right honourable friend would indeed prove full as proper a person to take the lead, and full as likely to accomplish all the purposes of public justice, as those gentlemen into whose hands the prosecution had fallen. But as another right honourable gentleman observed that there were occasions, when the bounds and established rules of justice ought to be overleaped, and a prosecution conducted rather by violence and resentment, than by the dull forms of ordinary proceeding; perhaps considering the present business in that point of view, the gentlemen who had taken it up, were the fittest persons to carry it through all its branches from the beginning to the end.

With

With respect to the breach of the treaty of Poorunder, and the seizing on the provinces of Corah and Allahabad, he must beg leave particularly to remind the House that, subsequently to the transactions in those provinces, which took place during either the year 1772, or 1774, an act of Parliament had been passed altering the whole system of East-India Government, and instead of a President and Council of Bengal, appointing Mr. Hastings, by name, Governor General of the whole of the settlements. It would therefore prove at once highly inconsistent and absurd to consider him at the present period in the light of a culprit for any measures taken previous to his nomination to that distinguished post, which in itself was the highest certificate of the approbation of Parliament. All the papers required were certainly very proper to be laid before the House, let the mode in which the prosecution should be conducted by the right honourable gentleman be what it might. He should, for the present, avoid giving any opinion respecting the several proposed modes of trial; but, as the right honourable gentleman had appeared to determine upon impeachment, as the best calculated to answer the end proposed, he hoped that he would as early as possible make the House acquainted with the different steps which he proposed to take, and as explicitly as possible mark out the nature and extent of the charges intended to be made.—He was happy to feel that he should come to the business with the most perfect impartiality; and should the right honourable gentleman bring fully home to Mr. Hastings the violent imputations of atrocious crimes, he, for his own part, far from screening, would wish to bring down upon him the most exemplary punishment.

Mr. Fox begged leave to remind the right honourable gentleman that the minute upon which he had invariably argued was the vote of the General Court wherein it was expressed that Warren Hastings, Esq. should be permitted to return home, in consequence of his *long* and *meritorious* services.

Mr. Dundas said that he could assure the right honourable gentleman (Mr. Fox) that he had alluded to the vote of thanks of the Court of Directors.

Mr. C. W. Boughton Rous observed that he felt it requisite to meet with a reply that part of the right honourable gentleman's (Mr. Burke) speech, in which he had insinuated, that as he (Mr. Rous) originally seconded the motion for the Select Committee, it would have proved more becoming had he brought forward the business of that day. On this occasion, the right honourable gentleman would please to recollect that he not only seconded the motion for the Select Committee, but acted as one of its members; and when its first object was the investigation of the state and proceedings of the

the supreme judicature of Bengal. On this Committee did he sit during the second session; but, at length, the great object was, to his great astonishment and concern, most materially departed from, and points actually foreign to its nature received the preference in discussion. During the third session his name was put, without any previous intimation, and even without his knowledge, on the Committee, whilst he remained absent in Shropshire. Not, therefore, attending, with what propriety could the right honourable gentleman think of selecting him as the necessary person to move an impeachment against Mr. Hastings; against Mr. Hastings whom he had not considered as a criminal?

Mr. Francis.

Mr. Francis observed that the strong impressions made upon General Clavering's mind and his own, relative to the extremely barbarous mode of prosecuting hostilities against the Rohillas, proceeded from informations given to them by a British officer, then invested with the command of the troops employed on the occasion.

Mr. Vansittart.

Mr. Vansittart contended, that in general the nature of the Rohilla war was little understood; and that the *extirpation* of the Rohillas had *never* taken place. Mere chance, inattention, or error had introduced the word *extirpation*; and thus it stood, falsely and absurdly translated from a term (of a different meaning) in the Persian language.

Mr. North.

Lord North remarked, that, on the present occasion he felt it necessary to bring back to the recollection of the House that, with their consent, he, during the year 1774, assisted in nominating Mr. Hastings Governor General of Bengal; that in 1776 the Directors (and this not improperly) removed him; but that a majority of the Court of Proprietors overpowered their act, and once more confirmed Mr. Hastings in his government. It was once conceived that a certain gentleman (Mr. Laughlin Maclean) would have proved able to bring Mr. Hastings to a resignation of his government; but, when the former reached Calcutta, the latter disowned him and kept his post. During no inconsiderable period, affairs prospered under the administration of Mr. Hastings. The circumstances of the Rohilla war were most imperfectly understood in England, previous to their investigation and subsequently faithful and copious description by the Secret and Select Committees. Then, indeed, did censure alight upon the conduct of Mr. Hastings; and not only this gentleman, but even the Court of Directors, were deemed reprehensible for the breach of the treaty of Poorunder. Lord North added, that, for his own part, he did not then think it prudent to recall Mr. Hastings, Great Britain being on the eve of a war with France, who was likely to turn her arms against the English territories in the East Indies; but

not

not less likely to find their progress effectually checked by military measures resulting from the plans of such a vigorous and able mind as that of Mr. Hastings.

When General Clavering, Colonel Monson, and an honourable gentleman near him (Mr. Francis) arrived in India, and secured a majority in Council, the Government became, of all others, the best conducted, yet was not of very long duration, two of the gentlemen dying. With regard to the charge of inconsistency, about which so much had been said, his right honourable and learned friend must give him leave to contend, without meaning to impute inconsistency either to him or to any other individual, that a manifest want of consistency appeared between the resolution which declared that Mr. Hastings had acted in a manner disgraceful to the national honour, and deserving of parliamentary displeasure, and the vote of recal, which spoke of his *long* and meritorious services; for the word *long* indisputably went to the extent of comprehending *all* his services; and surely no absurdity could be more glaring, whilst this resolution remained upon the Journals in all its full and unrescinded force.

Major Scott rose next, and said:

Mr. Speaker, as the right honourable gentleman who opened the business of this day, amidst all his declamations, has not thought proper to bring a single charge against Mr. Hastings, I shall not intrude myself long upon the indulgence of the House. It is true he has promised a great deal; but I have been accustomed to the right honourable gentleman's pledges on former occasions. He has thought proper sometimes to descend from the high and important station he fills in this country, to the rank of a common pamphleteer; and I now hold in my hand, Sir, a speech published by Mr. Doddsley, as what the right honourable gentleman said in this House on the 1st of December, 1783, before I had the honour to be a member of it. But when it appeared to the world in the shape of a pamphlet, I had an opportunity of meeting the right honourable gentleman upon equal terms. I replied to it, and I appeal to the good sense of every man in the House, and out of the House, who is not tinctured by party prejudices, to declare whether I have not satisfactorily refuted every charge of every kind that the right honourable gentleman brought against Mr. Hastings. His speech and my answer are before the public, and they have pronounced in my favour. The charges are numerous; they are the essence of all his reports; and if they had been true, Mr. Hastings deserved to have lost twenty lives, if he had had them, for the magnitude of his crimes. I will go farther, Sir, as I have already refuted what the right honourable gentleman has asserted, I am not afraid of pledging myself to

Major
Scott.

refute

a supposition of guilt in a person who filled a station of consequence and honour, entitled the accuser to an hearing; and the next, that such documents, proofs, or papers, as the person accusing saw or esteemed necessary to support the charge which he undertook to bring on, ought to be free and accessible. A refusal must be attended with a double injustice. If the accuser wanted collateral or explanatory aid, he ought not to be denied it, for by its aid he could digest, explain, simplify, or methodize those facts of which he was in prior possession; or if, on the other hand, the grounds of accusation could be extenuated, if the severity of the charge could be abated, nay, annihilated, a denial of that opportunity to the accuser was an injustice to the accused. Were the hand of power to deny him such documents as he called for, he must then rest himself upon the sole conviction of having done his duty. He felt it a heavy and painful task, that the burden should have fallen to his lot, who was connected only with acquired power, the friends he had being such as those upon whom Heaven had bestowed some of the greatest talents which nature could possess; a concurrence of circumstances had rendered that task to him inevitable, and a collection of proof made it also upon him a duty. He had heard, and he was convinced of it, that he had to encounter some of the first weight, the first importance and opulence of that country; he foresaw all this, and relying upon the justice of his cause, he would persevere. The people would not, he was informed, follow at his heels; this was a question which he never asked himself, or, at least, never put in competition with the awful sense which he entertained of that duty, which he owed to the interests of humanity:—he was not to be popular; the people of England would reject him in such a pursuit—in what pursuit? In the pursuit of the cause of humanity?—What! for having taken up the cause of the injured and oppressed fellow subjects of the people of England in India! for attempting to procure an atonement to Indian nations, who had been scourged by their iniquitous servants—was he to be unpopular? O! miserable public! let him then remain the object of persecution, he entreated, and practice a lesson which he had learned in his earlier infancy, and which he would remember to his latest breath, “Blessed are they who are persecuted for justice sake, for they shall have their reward;” that reward which he should endeavour to enjoy a conscious possession of; and if those people who raised monuments to their benevolence, by forming asylums and receptacles for human misery, are justly ranked for such deeds amongst the benefactors to mankind, does not the man who pulls down tyranny, eradicates cruelty, and avenges the oppressed,

oppressed, deserve a title to the good opinion of his fellow creatures?

The downfall of the greatest empire which this world ever saw, has been universally agreed upon to have originated in the mal-administration of its provinces. Rome never felt within herself the seeds of decline, till corruption from foreign misconduct impaired her vitals, and as Midianus, an elegant commentator upon the orations of Cicero observes, "*prevaricatione testimonii*," by prevarication of testimony, the inroads of corruption destroyed the political frame and then were all things at stake. But even then, a man of the first families and connections, and rank in the state, was brought to punishment. Verres, the governor of Sicily, was accused by Cicero for the mal-administration of the province committed to his care. The connections of the accused were some of the most splendid and opulent of Rome; among these were the Hortensii, and even the Metellii. It was not a party for or against Government, it was the Government itself which adopted the prosecution, and no less than one hundred and fifty days were granted to the accuser to collect the materials for his accusation, and that from a province so near as Sicily is to Italy; and the justice of the Roman senate allowed not only the time for digesting the matter of the accusation, but also opened, without reserve, all the cabinets including the documents for which the accuser called. Can it now be said that the cause of justice is in liberal hands, if documents which the accuser demands are to be retained? The business referred to a country in a remote situation, from whence proofs have come in abundance; and the suppression of them was no argument against the veracity of the charge. The period was not long elapsed, since a certain right honourable gentleman, the Cicero of the age (Mr. Dundas) obtained the most ample intelligence of those miseries which prevailed in the East Indies, a wretched sacrifice to English avarice and ambition. The right honourable gentleman brought forth a bill of pains and penalties against one of those characters, whom the House considered as an object within its reach. How far he pursued the point the world saw; and yet the difficulties he had to encounter in the pursuit of the matter in investigating his subject, were totally removed by the general and concurrent disposition of every party with whom documents were deposited necessary to accomplish his views. The right honourable and learned gentleman had a willing Administration; a body of India Directors disposed to his purpose; and the conclusion of the business was in the remembrance of every one. Mr. Burke added, that for his own part, he only called for what the hand of power had no excuse for detaining. If the papers for which
he

he asked, were necessary to his purpose; the detaining them was unfair; and those who detained them must either plead design or ignorance of their purport, but whether to the purport or not, a refusal was unjustifiable; and if those who refused them were ignorant of their contents, they were guilty of neglect: yet, if, after all, the desolation of a province (and that no insignificant province) under a British government, a province which extended fifty-three thousand square miles, the internal wealth of which was, in every calculation, equal to eighteen millions sterling, at a period before it experienced those calamities which only rendered it an object fit to be abandoned; if the desolation and ruin of that province, the oppression and destruction of its nobility, were not sufficient inducements with the House to vote him the papers for which he moved, and if no other ground would be esteemed sufficient but that of specifying his charges, although he knew that he was acting inconsistently with the standing and established orders and practice of the House to comply with such a desire, yet for the sake of removing these objections, calculated to impede the business he undertook, he would wave all that attachment to regularity, because it was his inclination to adhere to, and comply with the wishes of those who opposed him, in order to substantiate the truth as soon as possible.

Major Scott Major Scott answered, that the right honourable gentleman could not evince more readiness than himself to proceed upon that ground. As to the affair of Oude, the ruin of that country, which was painted in all the eloquent and forcible language of which the right honourable gentleman was so capable, had taken a very contrary turn to what was stated in the adduced instance; he would commit himself and join issue, when he could inform the House, that the nation of Oude, so far from being ultimately in that state of poverty and wretchedness as not to be able to repay the sum of near 800,000*l.* due by them to the East-India Company, had, at a later period, by the prudence of Mr. Hastings, been enabled to pay that sum which it owed, notwithstanding the positive assertion of an honourable gentleman opposite to him; that they never would be able to pay it: and such was the exertion of Mr. Hastings, in accomplishing this salutary purpose for the benefit of his employers, that he received the thanks of the Directors of the East-India Company for his meritorious services in establishing that solvency in the country of Oude.

Considering the debate in a resumed point of view he felt himself at liberty to refer to the affairs of Benares and Cheyt Sing. When a right honourable gentleman opposite to him, (*Mr. Fox*) framed his bill two years ago, he took up that subject

subject on manly and liberal grounds, and made these fair allowances which the merits of the case required; an inquiry was set on foot, and as he himself had not then the honour of a seat in the House, he was therefore precluded giving such information as he now had it in his power to afford. On the news of the French war breaking out in 1778, the Supreme Council of Bengal, after deliberating on the measures most proper for their pursuit, resolved, that each zemindar, or dependant on the Government, should furnish his quota towards the general exigencies of the state. Five lacks of rupees were demanded of Cheyt Sing; to this demand a demur was made; and Mr. Hastings entered the Council irritated that a dependant of the Bengal sovereignty, who by stipulation was obliged to comply in furnishing his share towards the exigencies of the state, should resist the tenor of his agreement. An order was consequently issued, that two battalions of sepoys should be sent to enforce obedience; and that the additional expence of these troops should also be levied for their expences in addition to the five lacks of rupees which was his quota. It was promised to Cheyt Sing, that this money was only to be levied for the exigencies of the war, and that after its conclusion the expence would cease: this argument however had no effect; for the next year the same means were found requisite—and what person will, under these circumstances, coolly and impartially say, that if Mr. Hastings's life and fortune were aimed at, in compelling a refractory dependant to furnish his quota, the grounds could possibly admit of any justification?

Major Scott was now entering into a more detailed conversation on India business, when

Mr. *Wilberforce* begged leave to remind the honourable gentleman that he wandered far from the question, which was the production of papers, and not a recital of India transactions; he therefore wished that the Speaker would interfere, that the House might return to the consideration of the subject before them.

Mr. Wilberforce.

The Speaker agreed that the question was departed from, to which Major Scott immediately acceded.

Mr. *Fox* requested the honourable gentleman to consider that he was making an appeal to him on a subject irrelevant to the question, and he would not wish to be regarded as giving an assent to what came before him extra judicially.

Mr. Fox.

Mr. *Francis* contended, that the authority of the Supreme Council was not by any means a check upon Mr. Hastings; because, after the death of Colonel Monson, who with him and General Clavering were appointed to that Board, there was no control upon the Governor, who, in the executive

power acted as he judged proper; and whatever might be the design of those who thought differently from Mr. Hastings at the Council Board, his authority carried all before it. The affair of the zemindar Cheyt Sing, was, at least in his opinion, iniquitous; and in Council he opposed it on the grounds that the demand had been made without right; but he would not stray from the business before the House; let the papers moved for be produced, and as the honourable gentleman and he now understood each other, they ought to join issue; and leave the decision to the event.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* expressed his earnest wishes to be considered as impartial in the business before the House, and when he gave an opinion, or happened to differ from the gentlemen opposite to him, it was not from any insurmountable partiality, for he should always strive to make his conduct a greater proof of his disposition than his words: yet he could not refrain from saying, that the more he informed his mind by recurring to precedents in similar cases, the more grounds he saw to insist for explicit reasons to intitle the House to concur in the production of papers which tended to the criminal accusation of any man; and as the right honourable gentleman had expressed his willingness to comply with the general wish of the House, by assigning what were his particular motives for calling for the papers [Here Mr. Burke said, it was not from a voluntary concession of his that he would, in this stage of the business, explain his motives; but if no other remedy was left, he would even go so far, though he knew it was irregular] Mr. Pitt thanked the right honourable gentleman for not suffering him to remain in an error, but was sorry they were not of opinion in so material a point. And whilst throughout a criminal prosecution he could find all authorities operating in his favour, when he required an explicit and an open charge to ground the production of papers on as collateral evidence, he hoped he would be considered as acting for, and pleading the cause of, every individual in the kingdom, either now or hereafter, who might be liable to prosecution, and whose innocence he would always presume to consider as existing, unless evident facts could be substantiated. He should contend that degrees of guilt are measured by circumstances, which either extenuate or aggravate; and in a charge where the House of Commons became accusers, he thought that the old mode which introduced the fact immediately before the House deserved a preference over that just now insinuated in the present business, where the mode of inquiry is only fishing for business.

Mr. Fox.

Mr. Fox observed, that the method suggested by his right honourable friend seemed more in favour of the accused person.

son than that which was stated to be the customary process; for in the latter, the House assumes to itself the power of accusing at once; but in that now offered, he saw the House trying the merits of the case like a grand jury, before it would proceed to inquiry; and if there was any deviation from the established forms of the usual practice, it was in favour of the supposed delinquent, who thus enjoyed a chance of acquittal thereby, which the other mode precluded.

Mr. *Burke* begged leave to assure the House, that should they call upon him to specify any of the charges he would comply; and he thought himself in possession of such a volume of evidence, as would enforce conviction before the tribunal to which he intended to refer it: such evidence as neither influence nor connection could withstand, nor corruption awe; nay, such as would cause the justice of this country to exert itself. Amidst a multitude of other enormities, it would appear, that the country of Oude had been desolated; the ladies of the royal family plundered; the nobility stripped of their property; armed soldiers quartered on the inhabitants to extort their property, and many other crimes too deeply marked by violent barbarity, under the command, and by the directions of, Warren Hastings, Esquire.

The motion was put by the Speaker, when

Alderman *Le Mesurier* took notice, that the book, since the year 1782, now moved for, amounted to six volumes in folio, and from what appeared to him, six others prior to that date might perhaps be necessary for the right honourable gentleman's purpose; he thought therefore that a reasonable time should be allowed to the clerks.

Mr. *Burke* now moved,

“ That there be laid before this House, a copy or duplicate of the proceedings of the Governor General and Council of the 23d of September, 1783, on the orders of the Court of Directors relative to the women of the Nabob of Oude's family.

“ That there be laid before this House, copies or duplicates of all correspondence relative to the conduct and behaviour of the military forces in Oude, and of any farming or managing, or proposal to farm or manage any revenues, by any British officers in the Company's service in that province, or the dependencies thereof.

“ That there be laid before this House, copies of all the correspondence of Major Palmer, a private agent to Warren Hastings, Esquire, Governor General of Bengal; at the Court of Oude; as also of Major Davy, another

“ of the private agents of the said Warren Hastings, in Oude, together with their instructions.

“ That there be laid before this House, an account of all allowances made from the revenues of Oude to the English Resident and assistants, agent or agents, or other English in a civil capacity, or to any other officers in the military service, over and above the pay and ordinary allowances, with copies or duplicates of all correspondence relative thereto, not comprehended under the other orders of this House.

“ That there be laid before this House, copies or duplicates of all proceedings relative to the Rohilla and Bidgi-gur prize money, not contained in the Reports of the Committees of this House.

“ That there be laid before this House, copies or duplicates of all correspondence and other proceedings relative to the wife and the mother of Cheyt Sing, and the taking of the place of their residence.

“ That there be laid before this House, a copy or duplicate of all correspondence relative to the state and alterations in the government, and concerning the landed revenues, or the appointment or removal of any naib, or deputy, or deputies, in the province of Benares, and the appointment thereto or removal therefrom, of any Resident since the settlement with Rajah Myhipnarain.

“ That there be laid before this House, extracts of any letters shewing an account of the number of the persons which the Begums of Oude have at any time stated they were under the necessity of maintaining.

“ That there be laid before this House, copies or duplicates of all minutes of consultation or other proceedings relative to the Governor General of Bengal's last deputation to Lucknow, and the resolution not to send a Resident thither, together with the instructions and powers given to the said Governor General.

“ That there be laid before this House a copy or duplicate of a letter from the Governor General and Council of Fort William, to the President and Select Committee of Bombay, dated 26th December 1781, and received by the Lively, 24th May 1783.

“ That there be laid before this House, copies or duplicates of all correspondence and proceedings relative to the Nabob of Farruckabad, not reported in the Reports of the Carnatic or Judicature Committees.

“ That there be laid before this House, copies or duplicates of all correspondence and other proceedings relative to a Mahometan seminary established at Calcutta.

“ That

“ That there be laid before this House, copies or duplicates of all correspondence, or other proceedings relative to the appointment of, or the attempt to appoint, Richard Joseph Sullivan, Esquire, late Secretary to the Select Committee at Madras, to be ambassador from the Nabob of Arcot to the Governor General and Council at Calcutta; and also to be ambassador from the Governor General and Council of Calcutta to the Nabob of Arcot; and also to be ambassador from the Governor General and Council to the Nizam or Soubah of the Decan, from the date of the proceedings which have been reported by the Committee of Secrecy appointed to inquire into the causes of the Carnatic war.

“ That there be laid before this House, a Letter from Warren Hastings, Esquire, to the Court of Directors, relative to their censure of his conduct at Benares, ordered by the said Warren Hastings to be printed, and also the answer of the Court of Directors thereto.

“ That there be laid before this House, a copy of a paragraph in the letter of the Court of Directors to the Governor General and Council of Fort William, dated 10th March 1785, permitting the Governor General, Warren Hastings, Esquire, to resign the government of Bengal.”

The several motions passed, and the House adjourned.

Tuesday, 21st February.

No debate, on account of the small number of members within the House.

Wednesday, 22d February.

Mr. Fox observed, that when he had the honour to present Mr. Fox, the petition of the shopkeepers of Westminster, praying a repeal of the act imposing a tax on retail shops, he had no instructions to move, that the petitioners might be heard either by themselves or counsel; but having understood since, that such was their desire, he begged leave to move, “ That the retail dealers, inhabitants of the city and liberty of Westminster, who have petitioned this House for a repeal of an act passed in the last session of Parliament, for granting to His Majesty certain duties on shops within Great Britain, be at liberty to be heard by themselves or counsel in support of the said petition, before the Committee of the whole House, to whom the petition of the retail shopkeepers of the city of London is referred.”—The motion passed,

Mr.

Mr. *Bastard* remarked, that before the House proceeded to enter upon the discussion of the great question of fortifying the dock yards, he conceived they ought to have the fullest information on the subject which could possibly be procured. He should, therefore, as the time of the House would become fully occupied by the debates likely to ensue upon that day, he would barely move that "an humble address be presented to His Majesty, that he will be graciously pleased to give directions, that there be laid before this House a copy of the third datum referred to in the extracts from the Report made to His Majesty by the Board of Land and Sea Officers appointed by His Majesty to investigate and report on the proper system of defence, and on the expediency and efficacy of the proposed plans for better securing the dock yards at Portsmouth and Plymouth."

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* replied, that when information was demanded by any honourable member, he always felt the strongest inclination to have it granted, where it was possible to afford it consistently with the interests and safety of the nation. That the information now required was not of that description, he apprehended, needed no other proof than barely to read the title of the paper called for by the honourable gentleman's motion; he accordingly read it for the House, and it appeared to be an account of the places and means by which an enemy could with the most facility effect an invasion.

Mr. *Bastard*.

Mr. *Bastard* answered that he could not conceive that any bad or dangerous consequences could possibly result from laying upon the table the copy of a Report made at so remote a period; but as he held a copy of the Report in his hand, he would read it as a part of his speech. Mr. *Bastard* was proceeding to read the report, when

Mr. Chancellor Pitt.

Mr. *Chancellor Pitt* begged leave to interrupt the honourable gentleman by assuring him that he could never acquiesce in any member's reading, as a part of his speech, a paper, purporting to be an official document, without stating to the House how he had obtained it, that so they might know it to be authentic. It was also, whether authentic or not, irregular, and highly improper for any paper of such a nature to be exhibited without an order of the House for producing it, for only the House at large could judge of its necessity and usefulness. Any information that could be derived from the Report now moved for, would in itself prove absolutely nugatory; because the result of the Report by a Board of military and naval officers, (whose competence no gentleman could possibly question) comprehended and involved the result of the former Report; and from this former Report, and from the nature of the subject of that Report which he had just

just read to the House, it would appear that nothing but its general result could with safety be made public.

Mr. *Bastard* replied that he wished not by any means to Mr. Bastard. infringe upon the orders or practice of proceeding in that House, and if he had done so in any degree, he begged it might be imputed to his not being sufficiently experienced in their mode of proceeding. With regard to the Report, as he found it to be irregular to read it, he would not proceed, but would content himself with saying, that the whole jut of the questions and answers in that Report went to establish it as a position not to be disputed, that an enemy might effect an invasion if no attempt was made to oppose and repel their efforts, just as if a person were to ask, if an enemy could make a landing behind the Speaker's chair? and the answer given was to be, "Undoubtedly; if no endeavour is exerted to prevent it."

Mr. *Bastard* withdrew his motion.

Captain *Macbride* observed that he rose to move for a paper, which, in his idea, could not possibly produce any inconvenience, or afford the least information to the enemies of the country, which might affect the safety of the State. When the Board of Inquiry sat at Plymouth, the naval officers entered a minute on their proceedings, insisting on having before them the Report of Lieutenant Hawkins, engineer, who had inspected the coast of Whitesand Bay; that Report had been before them, and when that was seen, and the opinion of the naval officers upon it, it would be found that the naval officers' opinion was directly in the teeth of the fortifications. The Captain concluded with moving "That there be laid before this House, a copy of the Report of the Board of Naval Officers appointed in 1784, to inquire if an enemy can land in Whitesand Bay." Captain Macbride.

Mr. *Chancellor Pitt* again declared his uneasiness at being obliged to withhold from any honourable gentleman such aids Mr. Chancellor Pitt. and materials as he might judge necessary either for his own information, or that of the House, on a subject of such importance as the present; but his duty as a servant of the public, and as responsible for the security of the nation, most strictly forbade him to give his assent to the motion that had been made. The Report of Lieutenant Hawkins was on a subject of a very delicate nature, and related to the practicability of an enemy's landing on Whitesand Bay, and the coast adjacent from the Ramhead to East Looe, an extent of several miles, and it also gave a particular detail of the tides, the soundings, the small harbours and inlets, the anchorage, and other material objects to be considered, with regard to the practicability of an enemy's landing, as well as of the various circumstances of situation, of distance of ground, and

and of the time and difficulty which must attend the landing of troops, horses and artillery, and the probability there was, in case of their landing, that they would be able to penetrate the country in order to make an attack on the dock yards, together with the time which it might be expected frigates could remain upon the coast for the purpose of effecting and covering the debarkation; from which it must appear to the House how exceedingly incompatible with wisdom and policy it would be to have it laid before the Public in the manner now demanded.

Captain
Macbride.

Captain *Macbride* begged leave to assure the House that he disclaimed any intention of moving for papers which might convey information to the enemy, and observed that the landing must be effected before the enemy could proceed to penetrate the country, and that, consequently, the naval part of the question was essential to the House, as a primary consideration to any consequences which might take place, after the enemy had once landed. He ridiculed the idea of our having it in our power to communicate any intelligence respecting the British coasts to the enemy, for they knew them full as well as we did ourselves, as every body might recollect, when it was considered that the French fishing boats were perpetually over in our bays and harbours; besides, was it to be imagined that they would attempt to land in corners, and on such parts of our coasts which they must perceive our cruisers carefully avoiding, as dangerous in the extreme?

Mr. *Chancellor Pitt*, disclaiming any feelings of a personal nature on the subject of the Report moved for, which, he said, it was impossible to impute to him with any shadow of either propriety or justice, added, that it was impossible for him, who knew the honourable gentleman's zeal for the service of his country, and the great reputation which he had acquired in the discharge of his professional duty, to suspect for a moment, any but the purest intentions to have influenced him in making his motion. He argued against the attempting to go into the detail of the Report, in conformity to the wishes of the honourable gentleman opposite, by observing, that as the subject matter of the Report was of such a nature as appeared to the House to be improper for them to investigate, and as they had, as it had been well said in that House, "sent the question to an arbitration," by directing that a Board should be appointed for the purpose, because the business could be done more effectually and more secretly in that mode than by a parliamentary inquiry, it was departing from the principle of the House now to enter upon the minute parts of the subject, which it had already avowed itself incapable of examining with propriety. He demanded an explanation from the honourable gentleman, whether he had intended

intended to state that the land officers dissented in their opinion from the report of Lieutenant Hawkins, or that the naval officers had disapproved of the system of fortifications *in toto*, a position which, as the honourable gentleman had not absolutely affirmed, he could, without any rudeness, directly contradict, as the very first article of the Report went to establish the necessity of fortifications by an unanimous vote of the whole Board.

Captain Macbride withdrew his motion.

General *Burgoyne* begged leave to point out two omissions in the extracts from the Report of the Board of Naval and Military officers which appeared to him material. He did not mean to cast any imputation whatever, or to have it imagined that he thought the omission wilful; he did not believe they were; but he thought it right to mention them. Although he was as fully prepared upon the subject as ever he should be, yet he had a motion to make for some papers, to which he did not foresee the possibility of an objection, but which, in his humble judgement, were so important and so highly necessary to be before the House, that the House would not be ripe to proceed to discuss the question of fortifications, till after the papers should have been put upon the table. The General then moved for "a return of the infantry in the kingdom, the number of effectives, and the deficiencies to complete the establishment in the year 1779."

This motion occasioning another conversation of some length;

Mr. *Martin* professed himself an advocate for all the information which it was possible to procure, but declared that not one of the papers moved for upon that day, went to the removal of the objection which he felt to the proposed system of fortification, and that was, that the adoption of that system would make an increase of the standing army necessary, a matter which he was too much of a Whig to give his consent to, notwithstanding the good opinion he entertained of the noble Duke at the head of the ordnance, and the great partiality of his mind to His Majesty's present Ministers, who he hoped would long remain in possession of His Majesty's confidence, and the confidence of the People. Mr. *Martin* concluded by remarking that he did not consider the question of fortifications as personal, nor did he speak from private motives of any kind, but he thought it his duty to declare his genuine sentiments, and he hoped that every friend of the Minister would also give his genuine sentiments respecting the subject.

Mr. *Chancellor Pitt* answered, that he entirely coincided in principle, (as in general he had the good fortune to do, with the honourable gentleman) that an increase in the standing army.

army would indeed occasion an almost insurmountable objection to the accomplishment of the plan under consideration; but he assured him and the House, that they need be under no apprehensions of any such necessity arising from the fortifications proposed being carried into execution. He would, he declared, undertake to prove to the satisfaction of every unprejudiced person, that so far from rendering it necessary to increase the standing army, they would operate in the direct contrary way, and afford the means of defending the kingdom, in case of an invasion, with a much smaller force than was at present necessary. As to the paper moved for he could see no sort of necessity for it, as it appeared to him to relate to one of those matters which formed the immediate duty of the executive government.

Mr. Fox.

Mr. Fox remarked that if, the right honourable gentleman really meant to resist such a motion as that of his honourable friend, it would be better to say at once, fortification was not a fit question for that House to discuss; for how was it possible for the House to form any opinion respecting the propriety of making fortifications, if they were not allowed the means of judging upon the subject? It was admitted, he conceived, on all hands, that fortifications must necessarily be considered in one of these two lights: they would either prove a strength to the kingdom, or they would add to its weakness, and in case of an invasion, strengthen the enemy. This must depend altogether on our capacity of manning them, and keeping them in our own hands; and how was that matter to be decided and ascertained? It could be known only by two means, and, for his own part, he should presume no good Minister would resort to the supposition, as to what might happen to be the internal force of the kingdom at any future period,—he surely would not, but would look back to what the internal force of the country had been during eras of danger. He would not take upon him to pronounce that the year 1779 was the best year to be selected for the objects of the motion, or whether it would not be proper to select a series of years, in order that the matter might be more fairly viewed and determined; but at any rate he saw not the utility of the House's proceeding to the debate upon the fortifications, without having some such papers before them as those for which his honourable friend had moved.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt replied, that he should have looked upon it as a reasonable and fair opinion for gentlemen to entertain, that His Majesty's Ministers would not come to Parliament to require money for the erection of fortifications, without having first duly considered the prospect of being able to garrison them properly; and that was what he meant when he gave it as his opinion that the object of the motion, seemed

seemed to him to relate to one branch of the peculiar functions of the executive government. If, however, the House thought it a subject necessary for them to inquire into, he had no sort of objection to consent to the motion except that which naturally arose in his mind at seeing the attendance of a full House on a subject of great importance, and having gentlemen disappointed and sent away without entering on the business which they expected to have finished. He could not, however, conceal his astonishment that the right honourable gentleman should not have before now made up his mind on that part of the subject, as he believed he could safely say, that the system of fortification had been at one time under the consideration of the right honourable gentleman himself, and by him as a Minister received with approbation. He should, therefore expect, that when the business came regularly forward, the right honourable gentleman would have no objection to state and explain the reasons that had induced him to alter his opinion, if he had in fact changed it upon the subject. He should by all means consent to the motion, notwithstanding his regret at having the business of the day postponed; but he hoped that this was the last intended delay of the kind, and begged that if any gentleman desired more information than had been already granted, he would now move for it, as he should by no means consent to any farther procrastination on any pretence whatsoever.

Mr. Fox replied that his honourable friend meant to have Mr. Fox. made the motion yesterday, but it was well known that he could not do it as there was no House; and with respect to himself, he really had never read the Report till it was printed; and therefore could not be a judge whether the papers now moved for would be necessary or not, before the Report was delivered out to the members of that House. As to what the right honourable gentleman had said of his having at one time ministerially considered and approved of the proposed system of fortification, he would venture to advance one position, and the right honourable gentleman might wrest it to whatsoever construction he thought proper; and this was, that whatever opinion he might have lightly taken up at a former period upon any given subject, which at a distance of time came to be more immediately under his consideration, and he after a second and maturer deliberation found reason to think differently, he should never be ashamed of acknowledging that he had changed his sentiments.

Mr. Courtenay remarked, that the paper might be refused, Mr. Courtenay. for better reasons than any which he had heard advanced that night; as the producing it would give either the Public or the House no very favourable impression of the accuracy, correctness, and principle on which the noble Duke had prosecuted

prosecuted this important investigation. It would perhaps appear, that the Board of Naval and Land Officers had previously determined, that 22,000 men were amply sufficient for the defence of Portsmouth and Plymouth, without their having any return of the military establishment before them; and consequently without knowing whether such a number of troops could be supplied. On the same principle they must have determined, by implication, on the strength of the military establishment of France, as they must have exactly ascertained the number of troops with which the supposed attack could possibly be made; and against which 22,000, in their opinion, would prove an adequate defence and security. It appeared therefore not a little astonishing, that these two most essential points were absolutely fixed by the noble Duke and the Board, though it was now admitted by the Chancellor of the Exchequer, that no return, even of the military force of this country, had been laid before them; still less could they have discovered the capability of France for the expected attack.

At length the motion amended passed thus :

" That an humble address be presented to His Majesty, that he will be graciously pleased to give directions, that there be laid before this House, a state of the British army, as distributed in the different parts of the world, in the months of June and December, in the years 1778, 1779, 1780, 1781, and 1782; and likewise of the foreign troops in the pay of Great Britain at those several periods.

" That an humble address be presented to His Majesty, that he will be graciously pleased to give directions, that there be laid before this House, a state of the distribution of the land forces in South Britain, in the month of August, in the years 1779, 1780, 1781, and 1782."

Ordered,

That the said addresses be presented to His Majesty by such members of this House as are of His Majesty's most honourable Privy Council.

The House adjourned.

Thursday, 23d February.

No material debate took place.

Friday, 24th February.

Major
Scott.

Major Scott remarked, that, during every minute subsequent to that in which a right honourable gentleman (Mr. Burke) had moved for papers, his eagerness and anxiety to see *them all* produced continually increased; and, therefore, had he

is gone twice to the East-India House, for the purpose of discovering in what probable time they would become submitted to the investigation of the House. He had been informed that morning, that the greatest part of the papers were already prepared, and he would wish to move, that such as were ready, should be presented, without any delay, that the House might have an early opportunity of perusing them. He could assure the House, that the only anxiety he felt was, to bring forward the business as quick as possible; and that anxiety had been increased by his observing what was doing out of doors, where the most scandalous misrepresentations of what had been said in that House were zealously and insidiously dispersed. He well knew that such misrepresentations could not affect the House, on whose justice and impartiality he had the firmest reliance; but when false and injurious calumnies were asserted, and when those calumnies were imputed to a member of that House, with a view of affecting the character of a man who had long enjoyed a very high office abroad, it became a matter of great importance, that no studied or unnecessary delay should be used, in bringing forward those charges, to substantiate which the papers were moved for. Major Scott then read an extract from a newspaper, that "*persons living under the protection of the British Government had, in India, actually been put to the torture by the orders of Mr. Hastings.*" This was an assertion totally void of foundation. The honourable member (he was informed) had said no such thing. Of this matter Mr. Hastings remained in total ignorance; and absolutely certain it was, that no Englishman had either authorized or countenanced such an atrocious act of cruelty; yet as the report was framed most mischievously to deceive and to exasperate the Public, he should beg leave to move that all papers whatsoever should, in the first moment of being ready, become submitted to the inspection of the House.

The Speaker told the Major his motion was informal and unnecessary.

Mr. Pye moved, that the bill for reducing all the laws relating to the militia into one act of Parliament be committed for Wednesday se'nnight.

Mr. Rolle having observed, that as any bill designed to introduce a novel system for the militia must, by its nature, become a point of deep importance, concerning which the country should, if possible, be previously consulted, expressed his wishes that a longer time had been allowed. The assizes were coming on; it appeared therefore to be highly proper that the bill should not be hurried through the House, but that it should at least wait till after the assizes, and till the respectable grand juries had been allowed to pass their

their judgement upon it. He added, that he was not ashamed of meeting his constituents and consulting them as to their wishes upon great public occasions: if the bill was not to be urged on farther at present, he should have an opportunity of seeing his constituents and knowing their sentiments, an information which could not be acquired, were the design of referring the bill at a very early moment to a Committee to be carried into execution.

Mr. Pye. Mr. *Pye* answered, that the bill was not to be considered as a new bill; but merely as a bill reducing all the militia laws into one act. There were also parts in the bill which surely would meet the approbation of the House as they went to savings; in particular, a clause enacting, that the men should be balloted for five years instead of three: he hoped therefore, that the bill, which certainly contained very novel matter, would be allowed to stand committed for Wednesday evening.

Mr. Rolle. Mr. *Rolle* begged leave to remind the honourable gentleman, that he had himself mentioned a circumstance of considerable importance, and sufficient in his mind to induce the House to agree to postpone the commitment of the bill; he should therefore move by way of amendment, that the bill be committed for the 3d of April.

[When it had been observed that the circumstance of changing the period which the men were to ballot for from three years to five, was not a part of the printed bill, but was left blank for the House in the Committee to decide as they thought proper,]

Mr. *Rolle* remarked that he had during the recess, written to an honourable gentleman opposite to him, to know what were to be the alterations in respect to the militia that were to be introduced into the bill; and the honourable gentleman had written him in answer, that the bill was not sufficiently digested for him to state what they were: as therefore the honourable gentlemen who had undertaken to prepare the bill, had spent so much time about the subject, surely other country gentlemen ought to be permitted to have an opportunity of considering the bill maturely, and consulting their constituents respecting it.

**Mr. Mar-
sham.** Mr. *Marsham* acknowledging this circumstance, said, that he had in return sent him word, that the whole of the bill was not at that time digested, but he had at the same time informed him of the proposal to change the period of balloting the men for five years instead of three; the honourable gentleman therefore had been apprized of that occurrence upon which he now seemed to lay so much stress long enough to consult his constituents respecting its nature.

Mr.

Mr. *Jolliffe* remarked, that when he felt the magnitude and importance of a bill in which he could not avoid considering all ranks within the kingdom as parties deeply interested, his prepossessions became the stronger in favour of the motion: the bill therefore ought not to be hurried in its progress, but time should be given to the grand juries who would be convened at the ensuing assizes, to see the bill and form an opinion upon it; so that if the people thought proper they might instruct their representatives upon the subject, and the House in their decision upon it might act agreeably to the known sense of the country. The proposals to ballot the men for five years instead of three, and to call out the militia annually, were points upon which he was not perfectly decided, but he should declare his sentiments at the proper time. He begged not to be misunderstood, nor to have it supposed that he was an enemy to the militia; no man in that House was a more sincere friend to the institution, and he thought it unfair in the honourable gentlemen who had turned their attention more particularly to the subject, and prepared the bill, to charge every member of that House who was not willing to give his immediate consent to the putting the country to the expence of calling out the militia every year, with being an enemy to the institution; indeed he thought the right honourable gentleman (the Chancellor of the Exchequer) had been used rather hardly the other day in having it imputed to him that he was no friend to the militia, merely because he was not willing to give a decided opinion upon that important point till he had heard it fully discussed and debated, and by that means had ascertained the sense of the House in general respecting it. With these ideas, he was persuaded that the House would consider him as fully justified, when pressing earnestly upon their minds the necessity of setting apart a longer period for a deliberate investigation.

Lord *Mahon* said, if the fact were, that the sense of the country ought to be taken, either by giving time for the grand juries to see the bill and have an opportunity of considering it previous to its being passed, or by any other means, and it were true that a blank was left for words to be inserted enacting how long the men should be balloted for, that was a strong reason for the bill's being sent to a Committee as soon as possible, in order that the blanks might be filled up; because, by that being done, the country would see what the bill really was, and be capable of judging whether the alterations were for the better or the worse. If the country ought to see it, what could they learn from a *blank bill*? The idea of sending it into the country before the blanks were filled up would be absurd and ridiculous in the

the extreme; and therefore would he advise, that the bill should go to a Committee on Wednesday se'nnight, and after that, be printed with all the amendments made by the Committee.

Mr. Rolle. Mr. Rolle said, that he had gone to the meeting of gentlemen who had undertaken to prepare a new militia bill, and had been given to understand, that no gentleman but such as had served in the militia could be admitted: he knew that his constituents would oppose several of the regulations, and he wished to give them time to consider them fully.

Mr. Chancellor Pitt. Mr. Chancellor Pitt observed, that he could scarcely have believed it possible, that a conversation upon a subject which, in its present stage at least, required but a short discussion, could have become extended to a long debate—An honourable member (Mr. Rolle) seemed desirous of postponing the commitment of the bill till after the assizes, in order that the several grand juries might have an opportunity of judging of it, and suggesting their sentiments to their representatives; but he did not see how that very laudable inclination of the honourable gentleman to hear the opinion of his constituents should induce him to wish to postpone the commitment, however it might be an argument for deferring to pass the bill. He, for his part, should be for the commitment on the earlier day; but he did not by any means pledge himself as to his opinion, whether he should vote for a delay in appointing a time for the third reading of the bill or not; for, though he looked upon the business as of the utmost consequence, and thought it highly proper on such occasions for the House to give every opportunity to the nation at large to form their judgements and opinions concerning them, yet he was inclined to think the present a distinct and separate question, and not being on the general policy of a militia, but on a mere matter of regulation, it was a subject fitter for a parliamentary than a more popular discussion. He apprehended, that the question between a long or a short interval, from the commitment to the third reading of the bill, would be entirely governed by the state in which it should leave the Committee: if it then appeared to contain any thing new, any thing doubtful, or any thing likely to create a great variety of opinion in the House, he should then suppose it would prove the general sense of gentlemen to allow a long day for the third reading; but otherwise, he could see no reason for deferring it. Every man in the kingdom agreed in opinion on the propriety and usefulness of the militia, as a great resource of national defence, and therefore on that head there could be no variance of ideas; the only matter in dispute would be
how

how to render it most efficacious toward the great end of its institution, the defence of the kingdom. If it should be found, that it was not absolutely necessary for the purpose, that it should be called out every year, then no gentleman could oppose the saving of so much money as the embodying of it would necessarily demand: but if, on the contrary, it appeared, that by not embodying of it annually, it would become less serviceable, or in any degree inadequate to its end, then surely there could be no doubt of the necessity of annually calling them out notwithstanding the expence, whatever it might be, that should be thereby incurred.

Mr. *Marshall* begged leave to animadvert upon one particular point which had been stated by the honourable member who began the debate, and that was in respect to the honourable gentleman's having been denied admission when he came while some other gentlemen and himself were engaged upon the subject. There was a general meeting advertised, to which every gentleman who was a friend to the militia was invited to come, and every member of both Houses of Parliament: that meeting chose a Committee, and having done so, it would have been exceedingly improper for the Committee to have been open to whoever chose to attend it; because in that case it would have been impossible for the Committee to have executed any business, and the very end of its institution would have been lost. The honourable gentleman had to blame himself therefore for not having attended the general meeting.

Mr. *Pye* declared, that he had never entertained the least idea of excluding the honourable gentleman (Mr. Rolle) from the meeting to which he had alluded; he had, on the contrary, in person, asked him to accompany him to the St. Alban's Tavern to the meeting.

The *Secretary at War* brought up the return of the military force of the kingdom in the years 1778, 1779, 1780, 1781, and 1782, with a specific account of the distribution of it, as ordered on Wednesday last.

General Burgoyne moved that it should be printed.

Mr. Chancellor *Pitt* observed, that although a warm advocate for the necessity of presenting all proper information to the House, he must beg leave strenuously to contend against the production of papers moved for by the honourable General, lest danger should ensue from their becoming points of notoriety. He could not but think, that to let the papers lie on the table, would be sufficient for the information of such gentlemen as intended to make use of them in argument in the course of Monday's debate; nor could he think, without pain, of the consequences of the growing custom of

introducing official papers almost as often as they were desired.

The House adjourned.

Monday, 27th February.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt begged leave earnestly to submit to the most serious and deliberate attention of the House, a proposition which, in his humble opinion, it behoved them to adopt previous to their forming themselves into a Committee of Supply; in order that it might serve as a direction to that Committee in what manner to regulate that kind of vote which naturally might be expected from them at the close of the debate. Little, indeed, was his astonishment excited, when he reflected with how prejudiced a comment great numbers of the public had chosen to describe the question for discussion; because, as much within as beyond the walls of Parliament, its real nature had been concealed by an insidious colouring; to give a lasting force to which, all arts were put in practice.

The system of fortification had been dragged forth to public view as deserving the severest censures which could be thrown on any measure of Government; and there had been attempts to excite against it, the feelings, the passions, and even the most estimable prejudices of the nation. It was represented as novel in its principle, as unconstitutional in its tendency, by laying a foundation for the increase of the standing army, and as calculated to divert into either a useless or a dangerous channel those resources which ought rather to be applied to that great foundation of our strength, of our glory, and of our characteristic superiority over the rest of the nations of Europe—our Navy. Those were in themselves substantial objections, and such as, if they did really apply to the case, ought to carry with them an insuperable authority: but he was come down prepared with such arguments as he flattered himself would appear to the House sufficient to answer, and even overturn, them all; and in order that the whole scope and object of his reasoning might be the more readily and clearly understood, he would state, at the outset, the nature of his proposition, which he had so worded as to comprehend the whole of the several principles on which, in his mind, the question was to stand. He had, on a former day suggested, that the most regular mode for debating the subject would arise in the Committee of Supply, when the question would be, whether to vote the whole of the annual ordnance estimates, which would amount to about 300,000l.

to vote only 250,000l. and by such means prevent the application of the 50,000l. voted in a former session for the purpose

purpose of fortifications, from the object for which it had been intended, by obliging the Board of Ordnance to apply it to the current service of the year; and, by so doing, to put an effectual stop to the whole system. From many things, however, which had fallen from gentlemen on the other side of the House, he was induced to wish, that a different method of arguing the question should be adopted; and he accordingly devised the present mode, as best calculated, in his opinion, to afford an opportunity of discussing, in their fullest extent, every principle which could possibly be involved in the proceeding, as well as those in opposition to it as those in its favour. It was also more consistent with the great importance of the subject to bring it immediately before the House, in the form of a specific resolution, recognizing a great and momentous principle, and founded on that principle, an instruction to the Committee, than to send it to the Committee at once, as it were incidentally and collaterally. The resolution which he proposed, before he sat down, to move to the House was,

“ That it appears to this House, that to provide effectually for securing His Majesty’s dock yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most æconomical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the State, intimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigour and effect, for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged.”

He felt it impossible to contemplate this important question without regarding it as a portion of that momentary system which challenged, from its nature, the utmost care of all administrations whatsoever; a system upon which rested the security and the glory of the national defence. And, in order to judge of its necessity, towards that great object, he should attempt, but with much pain, to bring back the recollection of the House to the unfortunate and calamitous situation to which we were exposed in the late war, much in consequence of our want of those fortifications which it was the aim of the present question to provide. A considerable part of our fleet was confined to our ports, in order to protect our dock yards; and thus we were obliged to do what Great Britain had never done before—to carry on a mere defensive war; a war in which, as in every other war merely defensive, we were under the necessity of wasting our resources, and impairing our strength, without any prospect of

benefiting ourselves but at the loss of a great and valuable part of our possessions, and which at last was terminated by a *necessary* peace. Shame and affliction were brought upon us by the American war. Was the House ready to stand responsible to posterity for a repetition of such disgraces and misfortunes? Were they willing to take upon themselves the hazard of transmitting to the next generation those dangers and those consequent calamities which they had themselves so bitterly experienced? The subject of fortifications was not now for the first time to be discussed; it had been before the House during the course of the last session, and from what passed then, together with what had been done in consequence of it, he thought there was very little room, compatible with consistency of conduct, for that opposition which he apprehended was intended to be given to the present measure. The House, in the last session, had seemed well aware, that such an inquiry as was necessary towards forming a proper judgment on the subject, was by no means a proper one for it to go into. It had been, on all hands, agreed, that it was, in a great measure, a question of confidence, and they had, therefore, acquiesced in his proposal of sending it to the arbitration of a Board of Land and Sea Officers, to be constituted for that express purpose. That Board had, of course, been appointed, and consisted of every thing that was great and respectable in the two professions; they had given the subject an higher degree of consideration and research than had ever been known on such an occasion in any other age or country. The Report made by that Board was in itself so direct, and so conclusive, as to the necessity of the measure, that it ought in itself completely to determine the question, should it even appear that the reasons of a collateral nature advanced in opposition to it were entitled to the authority which some persons seemed inclined to give them. Concerning the questions, "whether the dock yards could properly and effectually be defended by a naval force alone; by a military force alone; or by a naval and military force combined? or whether it was necessary that fortifications should be erected for their defence? and if so, what sort of fortifications were likely to be most effectual?" The Board had answered, that neither a naval nor a military force, nor even both united, could afford a sufficient security for the nation to rely upon; but that the fortifications were absolutely necessary, and that, of all modes of fortification, the mode suggested by the Master General of the Ordnance was the most eligible, as being the most adequate to the defence proposed, capable of being manned by the smallest force, requiring the least expence to erect, and particularly as affording an increasing degree of security, as they were erected; inasmuch as, that

that if any given portion of them were completed, and the remainder unfinished, yet even that part so completed would afford a great deal of strength. Such were the characters and abilities of the officers who composed that board, that it would naturally follow as the highest degree of inconsistency, were the House, after having referred the various branches of the detail of the inquiry to the Board of Officers, to reassume that duty which they had already declined as being out of their reach, and attempt to revise and correct the Report of the Board. All that the House ought to attend to was the general result of the Report of that Board; for, it was itself incapable of investigating the subject minutely, and by detail; much less was it capable of correcting or deciding on the Report of the Officers. In order to diminish the credit of the Report, (for the credit of the persons who framed it could not be impeached) attempts were made to prove, that the instructions given to the Board of General Officers were such as confined them to the necessity of coming to one certain result, by means of *data* proposed for their consideration, which were all merely hypothetical, and afforded no latitude to them for the exercise of their own judgement. But how was it possible this could have been the case, when to the two first *data* the whole Board were unanimous in giving their opinion, and their opinion on those *data* were entirely conclusive on the whole of the subject, for they went (and *that* unanimously) to establish the necessity of fortifications? — Was it credible that a Board, consisting of such men, could possibly be duped by chimerical and absurd hypotheses, so absurd and so extravagant, that he recollected the honourable General had stated them as tantamount to a *convulsion of nature*? Was it to be supposed that they could be so easily misled and drawn unanimously into an opinion on a subject of such magnitude, and contrary to their own conviction? But, in fact, it was impossible to impute any such delusion in the present instance, for the answer to the first *data* was absolutely unqualified, and positive, and recognized the necessity of fortifying the dock yards; the second enforced the same necessity, it was true, with a proviso;—but of what? the expence of their erection, and our ability to furnish a force to man them. It was not fair to argue that the whole result of the Report was founded upon *data* in themselves improbable and ill grounded, when, in truth, the principal *data* by which the several parts of the Report had weight, were not the original *data* referred to the Board, but such as they thought necessary to substitute and adopt, as a foundation for their ultimate opinions. This idea was in itself so absurd, that the very words in which it had been expressed (and which he had before repeated) appeared as if the gentlemen who

who had used them were in collusion with the House, and endeavouring to put their own opposition into the most ridiculous point of view. He should think it an insult to the officers concerned in the Report, if he thought of saying any thing more in answer to a suggestion so much to their dishonour, as that they had been so egregiously and so palpably duped by an article so shallow, and of course so easily detected. Some reliance had been placed in former conversations upon the dissent of certain members of the Board, with respect to their opinion, touching particular parts of the subject. The instances of dissent, however, were not many, and they were such as he flattered himself could not stand as an insuperable objection to the general result. He felt himself rather in a disagreeable situation, at being obliged, in arguing the subject before the House, to attack the opinion and authority of any individual member of the Board; but with respect to one of the two very respectable land officers (General Burgoyne) who had in any instance dissented from the rest, his uneasiness was the less poignant, because the honourable General was on the spot to explain and support his own judgement; though even still he felt for the honourable General, who, he knew, would not think himself at liberty to enter so deeply into several of the more delicate parts of the question, as, perhaps, were his own justification alone concerned, he might wish to do. But respect to the other officer (Earl Percy) his feelings were more distressing, because he was obliged to canvass his opinion in his absence. Those two officers had joined with the rest of the Board in their two first unanimous opinions, with respect to the necessity of fortifications towards the defence of the dock yards; but they afterwards, by a subsequent proposition, declared, that notwithstanding such necessity, yet they were useless, because we were not masters of a sufficient military force to man them. He begged the House for a moment to consider the conclusion which would follow from such premises; because if nothing but certain fortifications could possibly afford protection to our dock yards, and if we were unable to garrison those fortifications when erected, what must prove the consequence? Deplorable in the extreme. It must be, that we were unable to protect them at all. The nation, however, need not despond at the prospect thus unintentionally (he was convinced) presented to them by the noble Earl, for whose character he had the highest veneration, and whose noble disinterestedness, together with the brilliant example which he held out to the nobility of the age, in the active service of his country, and the uniform tenor of his conduct, were sufficient to add lustre, even to the rank which the noble Earl already filled. They need not despond at this uncomfortable prospect;

prospect; for the papers laid upon the table, in consequence of the motions made by the enemies of the measure, clearly proved, that we should by no means stand in need of a greater force for the purpose of defending those fortifications, than we could easily afford to that service. It would appear from one of those papers, that in the year 1779, we had about fifty-three thousand men in South Britain, who were constantly and uniformly increasing, until the year 1782, to upwards of seventy-one thousand. There was also another paper on the table that had been demanded by the gentlemen on the other side, which gave an account of different cantonments in which those troops had been stationed during that period; a paper which he could not think in any way material for the government of the present question, unless the right honourable gentleman opposite was ready to undertake to prove, that, like all the other arrangements made during the course of the American war, the disposition of the army through England was the very best and wisest which human ingenuity could devise. It appeared, however, from this paper, that the number of troops stationed in such cantonments, as might be considered within reach of Portsmouth and Plymouth, was in 1779 above sixteen thousand men, and that it had in the year 1782 amounted, by a progressive increase, to twenty-one thousand five hundred in each case, including that most invaluable resource of national defence, the militia. Let gentlemen judge from this state of our military force, whether it would in case of an invasion prove difficult to furnish a sufficient garrison for the proposed works. But when it was to be considered, that our forces in Great Britain bore scarce any proportion to those which we were obliged to distribute through our then extensive dominions, and that from our present situation it was not likely that any such distraction of our military power would ever again take place, it might be looked upon as able to command a force fully adequate to the maintenance of the fortifications, without in any degree derogating from the respectable defence of all our other dominions. On this part of the subject, some gentlemen had thought proper to throw into derision and ridicule the whole inquiry of the Board of Officers, as if they had proceeded to investigate the question of fortifications, without having any state of the probable means of supplying those fortifications with troops for their defence laid before them. But he would only desire the House to turn over the names of the land officers who sat at the Board, and then to say, whether there was any foundation for such a reflection. — Was the Duke of Richmond — Was Sir Guy Carleton — Was Sir William Howe — Was Lord George Lenox, who commanded at one of those places — Was Earl Cornwallis (his respect for whom he should extenuate

tenuate were he to attempt to express it) — Was Sir David Lindsay, who commanded in another of those places — Was Sir Charles Grey, who commanded in a third, and who besides, served in the course of the war with the greatest brilliancy, in the remotest parts of the globe — Was General Roy, who at the time was Quarter-master-general to the whole — Were all those gentlemen to be supposed ignorant of the general military strength of the kingdom? Or was it to be contended that, to enable them to form an opinion on so broad and extended a question, it was necessary that the returns of every regiment should have been laid before them? Surely gentlemen would not persist in such weak and groundless arguments! There was, besides, in the Report, another instance of disagreement in opinion; that however, he conceived, ought not, and could not carry any very great weight; not from the person from whom the dissent came being at all deficient in authority and consideration, but from a circumstance standing on the face of the Report itself. The name of an honourable officer (Captain Macbride) appeared to a dissent to the answer given by the Board to the third datum. It was to be observed that this datum, together with its answer, was omitted in the Report as containing matter not safe to be made public. This consideration rendered it impossible for him, consistent with his duty, to attempt to examine it in detail, and to combat the opinion of the honourable officer upon its own ground; but yet he had a stronger argument than any other he could be master of, and that was, the opinion of the honourable officer himself, who had, six weeks before, as appeared from the minutes of the Board, given, together with all the other members of the Board, his opinion directly in favour of the principle which that datum was calculated to establish. If he was mistaking the honourable officer, he begged to be set right; but he believed it would be evident to any gentleman that would look at the Report, that he was perfectly correct —

Captain
Macbride.

Captain *Macbride*, admitting that the statements of the right honourable gentleman were perfectly exact, remarked, that still he could not avoid embracing his former idea that the opinion of the naval officers was fully in the teeth of the fortifications proposed at Plymouth; and for this assertion he had Admiral Barrington's authority, whom he had seen and talked with upon the subject during a part of the intermediate preceding days. The fact was that the naval officers were not permitted to have an opinion of their own manifested.

Mr. Chan-
cellor Pitt.

Mr. Chancellor *Pitt* again rising, remarked that as he had courted the corrections of others to fall upon the accidental (certainly not voluntary) errors in his statements, so it could

not follow that he experienced the least concern, but rather pleasure, when he discovered the honourable gentleman corroborating instead of refuting his representation. The honourable officer, then, had formerly united with the rest of the Board in an unanimous vote upon the subject of the third datum, and had afterwards, after an interval of six weeks, retracted that vote, and entered another on the minutes of the Board diametrically opposite to it—thus each opinion had the authority of the name of the honourable officer; and if any dilemma arose in forming a judgement between them both, it became easily solved by referring to the Report itself, in which it would appear, that though each opinion was equally supported by the honourable officer, yet the casting voice between his first and second opinion was given by the whole Board, by which he acted in favour of his former opinion, and of course there could be no room for the House to hesitate a moment which of the two they ought to adopt. There was another circumstance which he thought necessary to state under the head of the dissents from the general purport of the Report, that he might answer it in order; although it did not arise out of the Report itself, but had been taken up in that House for the first time by the honourable officer, when he stated that the fortifications proposed to be erected on the lands adjacent to Whitesand Bay, were directly in the teeth of the opinion of all the sea officers. He begged the House to attend particularly to the two distinct branches into which that part of the question was divided; one of a naval, the other of a military consideration. That which more immediately demanded the judgement of the naval service was the practicability of the enemy effecting a landing at all upon the coast, together with the various circumstances of tides, winds, soundings, currents, and anchorage which might be necessary, and the probability there was of all those concurring so as to enable an enemy to land at all, and to remain long enough off the coast to cover and complete their debarkation; the other subject was for the discussion of the land officers singly, and had for its object the most effectual method of so fortifying the coast, as to prevent the enemy, should they effect a landing, from penetrating the country. The opinion of the sea officers was, that, in certain circumstances it was possible for an enemy to land; and he could only account for the objection of the honourable officer against fortifying a coast on which an enemy might (as it was admitted) land, by that gallant spirit and bravery which would at all times induce him to turn his thoughts more to the animating and brilliant prospect of attacking his enemy, than the less glorious, but still prudent, duty of providing for his own defence. But, in furnishing the part of the

the country in question with forts, they ought not to confine themselves solely to the idea of an enemy's landing in White-sand Bay. They should consider whether it would be practicable for him to land in any place to the west of Plymouth; for if he could do so, then were these forts absolutely necessary for the defence of that town and its dock yards; they were the very posts which an enemy would most eagerly endeavour to occupy, because from them they would be able to bombard the dock yards. All persons who knew our coasts; and such as, to their own honour and the glory of their country, were acquainted with the coasts of our enemies, knew also that it was absurd to think of fortifying every part of them which could afford a landing-place for the purpose of an invasion. The consideration was, where would an invasion prove most detrimental; and, upon that spot to erect such fortifications that not only an invasion by sea should not become practicable, but that, if an enemy should have been able to land in another place, he might not also be able successfully to attack them there. He hoped to hear no more of Whitesand Bay; for it was not the defence of that Bay, it was the defence of the dock yards of Plymouth which was intended; it was not a landing there alone which was to be prevented; it was a landing on any part of the coast which was to be defeated, at least as far as it had an attack on Plymouth for its object; and if Whitesand Bay were surrounded by a wall of adamant, still Plymouth could not continue safe unless those grounds were fortified. He hoped, and believed that he had completely done away the whole force of the dissents of the several officers to whom he had alluded; and now he should attempt to answer objections of another nature.—It had been thrown out (and the gentleman seemed much inclined to build upon the position) that the whole system of fortification was new and unprecedented in this country; but, this idea he was prepared to combat in the most direct and positive manner. The system of fortification did always make a part of the general defence of England, and he would prove it by the most incontestible records of history. Even during the reign of King Henry the Eighth, there was a provision made, by statute, for fortifying certain parts of the coasts. The statute he would not take upon himself to read, because the terms in which it was couched were become obsolete, and almost unintelligible. The same policy was observed by Queen Elizabeth, and formed a considerable part of the defence provided by that great and glorious Princess against the expected attack of the Armada. In the less prosperous reigns of the Stuart Princes the same system was occasionally continued, and again adopted by our illustrious deliverer, William the Third. During

the reign of Queen Anne, at the time when the victories of the British arms were forming an era in the history of Europe, at which England looked back with pride, and other nations with amazement, did our ancestors think it incompatible with their fame, with their liberty or their constitution, to fortify the most vulnerable parts of their coasts, as it was now proposed to do?—On the contrary, there was a resolution of the Commons, not even at the desire of the Crown, laying down the necessity of fortifying the dock yards against any possible invasion, and those resolutions were founded upon estimates of plans which had been made under the reign of King William. The estimates of those fortifications amounted to a sum which, considering the difference between those days and the expensive times in which it was our misfortune to live, gave no great room for a charge of prodigality against those who had digested the present plan.—The money then voted was 300,000*l.* which, when compared with the value of money at this day, would not appear as a very trifling sum. To come down to a later period, a period to which it might be supposed he was somewhat partial—the last war—the last war! would to heaven we could call it the last war—Not indeed the last war, but the last on which Britons could reflect without either a sigh or a blush—the war of contrast with the last! the war in which the name of Briton was exalted above the highest and the proudest of nations; by successes as stupendous, and conquests as glorious as our late miscarriages and defeats had been calamitous and disgraceful. What was the policy of the Administration of that day? That it was exactly similar with what was now recommended he would prove by one or two short extracts from the Statute Book.—The first was from an act of 22d Geo. II. for providing fortifications for the dock yards; and the second was for a fortification for some more insignificant place (Milford as well as he could remember) in which the very grounds of the policy now inculcated were recognized; that by procuring adequate means for domestic defence, the nation would become more at liberty to send its fleets abroad either for the purpose of defending her foreign settlements, or carrying on the operations of offensive hostility into the center of the enemy's possessions. Thus it might be seen, that in the very best days of this country, the system of fortification was uniformly practised and encouraged; but even in a much later period, and during the administration of the right honourable gentleman (Mr. Fox) opposite to him, the very identical plan of fortification then under discussion had been considered, and an estimate for carrying them into execution was presented to the House. He supposed that the right honourable gentleman who contended for the propriety of

of Ministers being always ready to make up their minds on every subject which related to the force of the country, and who had himself, it appeared, made up his mind on the subject, was now ready to give his reasons for that change of opinion which, it was to be feared, he intended on the present occasion to avow. For his own part, notwithstanding the great abilities and uncommon versatility of talents which the right honourable gentleman was well known to possess, he apprehended that he would not be able to reconcile to any principles of consistency, his practice of making up his mind when in administration, and unmaking it with so much facility when out of office. He should, however, expect to hear that particular circumstance fully explained, as far as so extraordinary a change of opinion in such a peculiar variety of circumstances could admit of explanation. As to the necessity suggested as likely to ensue from this measure of augmenting the standing army, nothing could prove more void of foundation. It had been unanimously reported by the Board of Officers, that the plan of fortification proposed, was the best calculated for the defence of the dock yards of any other which could be devised, and that it was such as was capable of defence by the smallest number of troops. Would any person then contend that a smaller number of troops, independent of fortifications, were able to defend a place better than a large body assisted with the best possible fortifications? Such an idea was too absurd to be argued against; and yet, in fact, it was the only idea on which that topic of opposition could possibly be maintained. Should we, in case of an invasion, trust solely to our standing army, then there would be a necessity of augmenting to a most enormous degree that army on which the whole safety of the kingdom was to rest. Was this the way to vindicate and secure our liberties? If we did not keep up such an army, then we should be reduced to the necessity of recurring to foreign assistance; perhaps to the protection of mercenaries, bribed by our money, and who, when we had no longer occasion for their service, would prove as ready to turn their arms against ourselves. Was it less desirable for us to be defended by the walls of Portsmouth and Plymouth, garrisoned by our own militia, than to purchase the protection of Hessian hirelings? The plan was objected to upon the ground of the expence which would attend it, and of the probability that we could not expect to be free from a war until it should be completed, and that we should derive no advantage from them at the time of the greatest necessity. As to the latter of these objections, he requested the House to recollect the words of the Report upon the table, from which they would learn that the plan of fortification proposed to be adopted was one calculated even in an unfinished

unfinished and imperfect state, to afford great means of defence; and that every part of them, though wanting all other assistance, and standing singly by itself, would prove highly useful and of course desirable. Thus, every part would be answerable to the great object; and so far from rendering it necessary for the House to hold itself committed to a constant and periodical expence until the whole was completed, the fact would be, that every year the necessity of adding to the fortifications must diminish, because every year the dock yards would receive additional strength. As to the expence attending the building of the works, he flattered himself, that his sentiments and ideas on the subject of the finances of this country, was not a backward feature in his political character—He hoped that he had not shewn himself remiss in any endeavours which could possibly tend to raise the revenue from that deplorable state to which it was reduced by the melancholy process of the late war. It was too well known how much his feelings were engaged, not only by the duty of his station, and by his attachment to his country, but by considerations of his own personal reputation, which was deeply committed in the question, to exert every nerve, to arm all his vigilance, and to concenter all his efforts towards that great object, by which alone we should have a prospect, by relieving their burdens, of transmitting to our posterity that ease and comfort which ourselves felt the want of, an efficient sinking fund of the national debt, to accomplish which was the first wish of his heart; and this, as well by every means of prudent, well-regulated œconomy, as by a rigid collection of the revenue. But was he to be seduced, by the plausible and popular name of œconomy? He would not call it only plausible and popular, he would say the sacred name of œconomy, to forego the reality, and for the sake of adding a few hundred thousands more to the sinking fund, perhaps render for ever abortive the sinking fund itself. Every saving which could, consistent with the national safety, be made, he would pledge himself to make; but he would never consent to starve the public service, and to withhold those supplies without which the nation must be endangered.

The relieving by every such means as his duty would suffer him to adopt, the burdens of the people, and removing that load of debt by which she was oppressed, was the grand and ultimate end of his desire; it was the pedestal to which he would wish to raise a column which should support whatever pretensions he might have to reputation and popularity; but let it be well considered, how far the objects of necessary defence and of public œconomy could be reconciled, and let the bounds that divide them not be transgressed. Let it be well weighed, what a certain security for a lasting peace there

there was in a defensible and powerful situation, and how likely weakness and improvidence were to be the forerunners of war. But should a war happen, where was economy? What was become of the sinking fund? The very expences of one year's loan would amount to more than the whole of those fortifications which might have secured us peace, because they would have diminished or effectually destroyed all temptation or hope of success in an attack. In this point of view, as the means of preventing a war, he should conceive, that the first million which would be applied as the foundation for the sinking fund, might not be better applied than a million of money for the fortifications; not that a million would prove necessary, but he chose to state it as high as any other gentleman (let his talents of exaggeration be what they might) could possibly carry it. There was also another part of the subject which ought to have the greatest weight of all, and this was, that these fortifications being calculated to afford complete security to the dock yards, would enable our whole fleet to go on remote services, and carry on the operations of war at a distance without endangering the materials and seeds of future navies from being liable to destruction by the invasion of an enemy. It had been insinuated, that the second datum in His Majesty's instructions had been used to draw forth an acquiescence from the Board of Officers upon an unreasonable supposition of the fleet being absent for an improbable time. He believed there were few gentlemen could forget, that at no very distant period, even since he had the honour of a place in His Majesty's councils, the fleet had been absent for a time nearly equal to that supposed in the datum, upon a service which this country could not have dispensed with without sacrificing the most brilliant success which attended us in the late war; a success of such lustre as to spread an irradiation over the more gloomy scenes in which we had been involved. Had we been then in fear of an attack upon our coasts, which from reasons not proper to be mentioned, we happened not to be, Gibraltar, and the renown of defending it, must have been for ever lost. But it was not only by foreign expeditions that we might lose the aid of our fleet in case of an invasion; it might so happen, that our fleet, though in the very Channel, might be prevented by contrary winds, tides, or other contingencies, from arriving to the assistance and relief of the dock yards. What would then prove the situation of this country? The enemy might, in one day, in one hour, do an irreparable injury, and give a mortal stab to the very vital principle of our national vigour; might effectually destroy the seeds of that navy from which alone we had to hope for commerce, for safety, and for reputation. On the whole, he really thought

thought the present rather a question to be considered as connected with our naval establishment, than that of either our army or ordnance, as it was calculated to give liberty to the fleet which had hitherto been confined to our coasts, and as it were to the defence of those dock yards, without the security of which the very existence of the navy, or even of the nation, must be no more. Were it to be asked, why the sum required for these fortifications had not been demanded for strengthening the navy, he should answer fairly, that he thought the same sum laid out upon the fleet, would by no means afford a proportional strength to what would be derived from the fortifications. The money which would prove sufficient to accomplish those works, would not build as many ships as would answer for the defence of those invaluable harbours of Portsmouth and Plymouth. There was, besides, a certain degree beyond which the navy of this country could not go; there was a certain number of ships, beyond which she could neither build nor man any more: what that line was, he could not, nor would it be proper for him to point out; yet necessarily such a line must exist in the nature of things—but there never could be any line drawn to limit the security which we ought to provide for our dock yards. What could be the reason that gentlemen on the other side of the House seemed so anxious to impede this measure? Were they bold enough to stake themselves upon a question of such awful magnitude, and to stand forward with such decided vehemence as the opponents of a measure, which Parliament, thinking itself incompetent to scrutinize, had referred to the highest professional authority in the army, and in the navy, which had received the sanction of that authority, and which the Ministers of the Crown, who could have no personal feelings on the subject (except such as from considerations of their own ease and advantage were adverse from it) and who could have no temptations towards it, but a strong sense of its indispensable necessity, declared themselves so much interested about, as to be unable to rest upon their pillows so long as it remained in suspense. He called upon the House to beware how they suffered themselves to be lightly drawn into a line of conduct which might involve their posterity (nay themselves) for if they continued in their present weak state, they might accelerate the danger in the heaviest calamities.

He begged leave to know, if a few years ago, when the fleets of the enemy were hovering over Plymouth, they felt themselves inclined, with arms across, and that listless security in which they now seemed to indulge, to debate the question of fortifying the dock yards? He was happy in
reflect-

reflecting upon the great abilities, the high rank, and the reputation and virtue of the right honourable gentleman, because having so much at stake, he would become the less apt to insist upon an opposition pregnant with so much mischief as the present, and because the remorse which they must otherwise feel, if they should hereafter find, that they had involved their country in the most dreadful calamities on grounds less important and consequential than the sanction of the right honourable gentleman. He flattered himself that more arguments were scarcely necessary to prove, that the proposed system of fortifying the dock yards was absolutely necessary for the preservation and security of the sources of our marine in case of a future war, and that the system in question had received the unanimous sanction of a Board of Land and Sea Officers, consisting of the most respectable and experienced characters in the two services; and that they had in their Report pronounced the plan the best adapted to its purpose of any which could be devised, grounded on the most economical principles, and requiring the smallest number of troops to man. Viewing it properly, it was a naval question, and as such it ought to be considered, because while it gave security to the vital springs and sources of our marine, so far from rendering an increase of the military force of the kingdom necessary, as some gentlemen, from a laudable jealousy of the standing army, and from a natural and zealous regard for the Constitution, had been led to imagine, it would actually tend to enable Government to keep up a less military establishment than otherwise must be maintained. Thus circumstanced, he should rest all his hopes of support solely upon the power of his arguments to prove what he had asserted in that respect — Having read the words of two preliminary resolutions, which he remarked would prove declaratory of the opinion of the House upon the subject (should they think fit to adopt them) and which, by being voted previous to their going into the Committee of Supply, would lay a foundation for their future proceedings, and rest their votes in the Committee upon a perspicuous and permanent footing. Mr. Pitt concluded with moving his first resolution as follows:

“ That it appears to this House, that to provide effectually for securing His Majesty’s dock yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most economical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the State, ultimately connected with the general defence of the kingdom, and necessary for enabling the

“ Rest

“ fleet to act with full vigour and effect, for the protection
 “ of commerce, the support of our distant possessions, and
 “ the prosecution of offensive operations in any war in
 “ which the nation may hereafter be engaged.”

Mr. *Bastard* observed, that feeling how exceedingly it be-^{Mr. Bastard.} hoved him to oppose as much as possible, the prosecution of a system of which the accomplishment would menace the probably irretrievable destruction of all the leading interests of his country, he should beg leave to make his comments upon the brilliant, but too groundless, arguments of the right honourable gentleman who spoke last. Most cordially was he inclined to give him all his share of credit for having, during the course of the preceding session, consented that the matter should be referred to a Board of Inquiry, constituted of naval and land officers of the first rank and character; yet he must reprobate the manner in which that Board had been managed, and lament, that three of the most skilful and experienced of its nominated members, (Lord Townshend, General Conway, and Lord Amherst) should have been excluded from taking their seats at it, in consequence of a paltry manœuvre played off by the noble Duke at the head of the Ordnance, who had procured himself to be appointed President of the Board. Where was the boasted fairness and impartiality of the reference when such a manœuvre was practised; as it is well known that officers of long standing could not sit at the Board at which a junior officer presided? He had never heard but of one engineer who was fond of fortifications, and founded them upon the same principles as those to which the noble Duke discovered the most glaring partiality, the data which met his eye so frequently in the printed extracts from the Report; the engineer to whom he alluded was no less than the renowned Don Quixote de la Mancha. Don Quixote always called for datas, and proceeded to build his fortifications upon those grounds; the noble Duke's fortifications appeared totally as Quixotich. He desired to remind the House, that the nation had always been jealous of every thing which looked like an increase of the standing army, and asked whether one great argument in defence of the militia, and what greatly recommended the institution to Englishmen, had not been the circumstance of their mixing so much with the people in their Houses, and whether that did not tend to preserve to them their character of citizens rather than to hold them out as soldiers? The militia had been called the school of the army; if that description was true, would it not be more justified by shutting them up in fortresses, and keeping them separate from their fellow subjects?

Might not these strong holds be termed seminaries for soldiers, and universities for Prætorian bands? And was it not likely that the militia would come out of garrison with minds rather prepared for joining the regular army than inclined to return to mix with their countrymen employed in civil avocations? How unconstitutional was the tendency of the proposed system: it was so much the object of odium and detestation in the county which he had the honour to represent, that if the fortifications which were intended to be raised there should be erected, the people on whom it appeared that a reliance was placed for assistance in manning them, in case of necessity, would refuse to lend the least assistance whatever. He felt but little difficulty in discovering, that the great object was to relinquish that method of defence which, from the very prudent choice and sanction of our ancestors, had risen into weight and full celebrity. He, for one, could not repress his indignation at the idea of tearing the ensign of the British glory from the mast head, and fixing it to a standard on the ramparts of a military garrison: and he must assure the right honourable gentleman, that the sense of the country was clearly and decidedly against the system, as he would see from the description of gentlemen who would take a share in the opposition of the day. Neither those to whom he alluded, nor himself, acted either from party motives, or with a view to factious purposes. They stood up the advocates of their country in a moment which seemed to threaten it with serious danger, from the adoption of a system as absurd as impolitic; but they stood up like independent men, unconnected with any party, and as ready to support the Minister when he appeared in the right, as determined firmly to oppose him when they were satisfied that he was in the wrong. In conclusion, he moved to leave out from the word "House," to the end of the question, in order to insert, "That fortifications on so extensive a plan as proposed by the Board are inexpedient."

Sir William
Lemon.

Sir *William Lemon* said that he could not avoid admiring in his honourable friend (Mr. Bastard) the public spirit evinced in his having manfully stood up from the first mention of it, the uniform opposer of a system, which, as it tended to introduce a departure from the old mode of defending the island by a naval force, could not but give alarm to every well-wisher to his country. How ill-timed was it to recommend a plan of fortifications to the House, when it had not been ascertained whether that constitutional force, the militia, was to be called out annually or not! This, added to the appearance of a design of abandoning the cultivation of our marine, and relying rather on the army and military erections for security, must create much jealousy in that House

House as well as without doors, in consequence of the unconstitutional tendency of such a conduct. Were the proposed system of fortification adopted, it should be considered as the fatal era from whence the decline and ruin of our navy might be dated. He, indeed, meant not to impute any bad design to the present Administration in recommending the plan proposed, nor to hint a suspicion of the friendly inclination of the Prince on the throne to the liberties of his People; but long experience had proved, that when every thing wore the appearance of security, and the country had a thorough confidence in the King and his servants, more than ordinary caution ought to be exercised by the People, whom it then became less than ever to be ready to allow a system to be adopted, that in the hands of a weak Prince and wicked Ministers might grow into a formidable engine of prerogative, and be turned against their freedom and the constitution. Admonishing the Minister against pursuing steps which would lead him astray from the favour, and strip him of the confidence of the People, Sir William concluded with giving his hearty assent to the amendment.

Mr. *Wallwyn* begged leave to recommend it to the right honourable gentleman to drop the idea of persisting in a plan against which the Public in general were extremely averse. He declared that Report confidently said that the right honourable gentleman's mind was not with the system, and that he was by no means a sincere friend to it. [The Chancellor of the Exchequer here complaining of the injustice of such an imputation, declared that the Report was most grossly false and wholly groundless.] Mr. *Wallwyn* said that he spoke of it merely as a Report, and he had hoped that the Report was true. "To be or not to be," a powerful maritime state appeared to him "the question." Till the right honourable gentleman could urge some argument which amounted to a solution of the problem which he had started, viz. that the proposed system of fortification, which must necessarily require a number of men to garrison, would nevertheless be a means of diminishing the quantum of the standing army requisite for the defence of the kingdom, he should think it his duty to oppose the system, as directly militating against the ancient mode of insular defence, as prejudicial to the increase of our navy, and as dangerous to the constitution. He concluded by giving his support to the amendment.

General *Burgoyne* declared that he felt himself extremely embarrassed between what he ought to divulge, and what he knew; between the data which were in the extracts from the Report, and those that were not there; but he would endeavour to explain his sentiments on the subject. At the Board of Inquiry when the members of it assembled, the

noble Duke gave them his plan with the data to consider, and called for their plans in return. What individual even if he had prepared a plan, would have chosen to commit himself with it in that manner, against a plan produced by the President of the Board, after its having been under his consideration and improvement for two years? They were therefore reduced to the necessity of giving their replies to the data such as they were, leaving the probability of them to rest on their proposer. Many of these data held out suppositions most extravagant, but they were put so artfully, that it was impossible not to answer them in the affirmative. However deniable the general conclusions might be, he deemed the whole a list of improbable possibilities, and therefore considered the idea of defending the kingdom by fortifications as inconsonant to the genius of our constitution, and irreconcilable with the security of the liberties of the People. He should have suggested various other modes of defence of the kingdom, had he been called upon, but all of them maritime. The kingdom might have been defended by sending a fleet off Brest, by sending a fleet to the mouth of the Mediterranean to prevent a junction between the fleets of France and Spain, and by other destinations of our fleets, as the relative situation of other powers might make it proper. He now stated from the papers for which he had moved last Wednesday, the number of troops, including cavalry, which had been in Plymouth, and Scilly, and in Portsmouth, during the respective years of the late war, contending that there had never been above eight thousand men, including three or four regiments of cavalry in Plymouth, any one of those years. He compared it with the twenty-two thousand men which would be wanted to man the new fortifications (twelve thousand at Plymouth, and ten thousand at Portsmouth) and asked why had the inquiry of the Board of Officers been confined to those two dock yards? Were we vulnerable no where else, or in no other dock yards? Was not Chatham dock yard worth looking at? That dock yard, and the pass there, were, he maintained, of as much consequence as either, if not both the two others. The General concluded with declaring, he should give his vote for the amendment.

Lord Hood. Lord Hood professed himself a friend to the plan of fortifying the dock yards. No argument could be derived from what this country had done formerly with her navy. The navy of France was very formidable, and so was that of other powers; regard therefore must be had to the present relative situation of the marine of other countries compared with our own marine, and it was from their powerfulness at sea, that it became a wise and prudent measure to fortify our dock yards.

yards, by which means the whole of our navy would be free to be sent out upon any one or more services in case of war. In the case of our having a large convoy of merchant ships coming home from the East or West Indies, and knowing of the enemy's having sent out a fleet to meet and intercept them, in order to save the commerce of the country from a fatal blow, our business would be, instantly to send as large a fleet as we could spare to seek the enemy. This we could not do, while our dock yards rested solely for defence on our navy; because, if we sent the whole of our fleet, France might have a sufficient body of men on her coasts, all ready for embarkation, and those she might send across the water in frigates, and such other vessels as were unemployed by her, and fit for the purpose. They might come here, effect the business, do us an irreparable mischief, and get away before our fleet returned; or even they might do the mischief, and instantly surrender prisoners of war. For his part he was decidedly of opinion that it was proper to adopt the proposed system, and that France and other maritime powers of Europe had of late much increased their naval force; and that Great Britain could not be too cautious in securing the source of our marine from surprise and distress.

Captain *Macbride* said that much absurdity marked the conduct of the noble Duke, respecting the manner of endeavouring to enforce conviction to his own liking on the Board of Naval Officers at Plymouth. The noble Duke had played off a piece of mummery there, which disgraced him in the eyes of the whole country. He sent a parcel of boys in a boat who were to try to effect a landing, whilst others on shore were to endeavour to repel them. They had fastened a capstern on shore, and by that means, and the help of a rope, drew themselves up the cliff. Thus he declared that he would teach a milliner's apprentice to draw a large gun, by the help of a coach and horses, up to the cross of St. Paul's. The noble Duke had used great art with the naval officers to persuade them to be of his opinion. All the places which they had examined were perfectly secure from any danger of an enemy landing at any of them. He knew a place, however, where an enemy might land. The right honourable gentleman (Mr. Pitt) need not be alarmed, for he was not going to tell where the place was. He begged leave to urge the expediency of taking care of the navy, and not cheating the Public of their money, as was the case at the end of the war before last, when ships of a smaller size than usual were built, which were good for nothing. He must beg leave to express his surprise at the illiberal imputation which had been thrown upon the spirit of the inhabitants of the country at large, and of his constituents in particular. His honourable friend,

friend, (Mr. Bastard) on the appearance of the enemy, had marched in at the head of two thousand men from the country, when there were only at the time five hundred stand of arms in store, with those they took charge of the prisoners and conducted them to Exeter. And the gentlemen whom he had the honour of representing, had; with a laudable zeal and spirit, formed themselves into two companies, clothed and arrayed themselves at their own expence, and continued to do duty during the remainder of the last war. To that same independent spirit, when Government presumed to dictate to them in the choice of representation, he was indebted for the honour of a seat in that House.

He should now proceed upon the vindication of the conduct of himself and of the other sea officers of the Board, not without complaining that the grounds of his dissent were not laid before the House; especially as he had declared, that no part of the objections which he had made against the fortifications, or of the papers for which he had moved, tended to shew the weakness, but, on the contrary, the strength of the coast and country, he craved permission to read extracts from his minutes of the papers he had moved for, which were to the following purport:

LIEUTENANT HOCKINGS' CONCLUSION.

I beg leave to observe in this extent of coast (from Ram-head to Loo) above seventeen miles, the fifteen passes in Whiteland Bay are in a manner so difficult of access to an enemy, not only from the great rockiness of the shore, but also from the openings of the small bays or recesses in the coast leading to these passes being so narrow, that should the wind and tide not be favourable at the time of landing, the enemy will run great risk of being carried on the rocks. It is, however, certain, should the enemy effect a landing at any of these sand passes, they are undoubtedly accessible, and by which he may gain the summit of the coast.

But when the great irregularity of those passes is considered in their numerous windings and turnings up steep cliffs, it appears an enemy will not find it so easy an operation to force them, particularly if defended by small breast-works and a few chosen troops at the head of each pass. However, to render the access still more difficult, and throw every obstruction possible in the way, so as to retard an enemy's attempts, it would be proper to break up those footings, either by filling the paths with stones and earth, or scarping the ground, which would take off the favourable aspect of those passes, and render them inaccessible.

It is remarkable, that the high stone and earth fences of the different fields along the coast, at a small distance from the

A. 1786.

DEBATES.

the summit of the cliffs, and passes between Ramhead and Loo, form a strong line of entrenchment to line the coast if properly defended.

LAND OFFICERS' PROVISIO.

Horle Guards, June 18, 1785.

We have consented to the Report of Lieutenant Hockings being entered on the Minutes, as it has been proposed by some of the members, but we desire not to be understood as acceding to it in all its parts: with respect to the number of places where an enemy can land, and the proper words for this purpose, we rather chuse to rest our opinions on the Report which the Naval Officers of this Board may have made on this subject than on the Report of Lieutenant Hockings.

We the under-written Sea Officers desire the following note may be inserted in the Minutes after the proviso of the Land officers.

* * * The Report of Lieutenant Hockings, engineer, respecting Whitland Bay and coast adjacent, with the plan accompanying, correspond with the sentiments we entertain of the difficulty of effecting a landing there if properly opposed, it being no roadstead, and so much avoided by our own ships, we can hardly suppose the fleet of an enemy will hazard an anchorage there.

S. BARRINGTON,
M. MILBANK,
T. GRAVES,
W. HOTHAM,
J. MACBRIDE,
A. S. HAMMOND.

Captain Macbride now observed, that he had corrected gross mistakes in the Report of the shape of the country, part of which was his own estate. Having likewise read the Duke of Richmond's order to Lieutenant Hockings, engineer, which was given without the knowledge of the Sea Officers, he remarked, that it appeared to the Board, that Lieutenant Hockings was clandestinely employed by the Duke to invalidate the opinion of the Sea Officers; when it was found to produce the contrary effect, Lieutenant Hockings, who before was thought well qualified for such an employment, became treated as ignorant and presumptuous, and as a person unknown until a respectable member of the Board, in the engineer department, said, that he had been bred up under him at Gibraltar, and gave an honourable testimony of his character and abilities. Thus, how ridiculous was the conduct of

of the noble Duke, who, by every art and finesse in his power, had endeavoured to warp the naval opinions in favour of his system — failing in that, he had recourse to a piece of mummery, which exposed him to the ridicule of the whole country. Captain Macbride observed, that he had Admiral Barrington's authority to say he agreed in opinion with him, and was even ready to come and declare it at the bar of the House of Commons. Indeed the whole conduct of the noble Duke, who more properly guided than presided, was without precedent, and it was the first Board of Officers in Council, where question and answer came from the President and the senior members. In every other case the junior officer gave his opinion first—in this case it was reversed for very obvious reasons. In conclusion, the Captain professed himself averse to all unnecessary fortifications whatsoever.

The hon.
G. Berkeley

The honourable *G. Berkeley* observed that so much had been spoken upon the subject, and so many abler persons had delivered their opinions, that he should only trouble the House with recapitulating what he had asserted in a former debate, long previous to the appointment of the Board of Officers; but he could not help taking notice of what had fallen from a right honourable gentleman (Mr. Fox) on a former day, which had been now re-echoed, viz. that the plan ascribed to a noble Duke was unconstitutional. He wished that when he chose to make a panegyric upon himself and his noble relation, that he had stated to the House, in that masterly language which made him the admiration of mankind, what he knew and felt; that the noble Duke would be the last man in England to patronize, and would die sooner than propose any plan which could militate against the constitution of this country. Making these remarks, he must beg leave to be understood, that, like the right honourable gentleman, no ties of blood, nor any other consideration, could induce him to give his vote for any thing which he did not think perfectly right. As to his own idea, of their being unconstitutional, he could not conceive they were more so than any others which were already begun or finished in England; and to render them such, recourse must be had to the honourable General's (Burgoyne) catalogue of improbable possibilities. Concerning the necessity of some fortifications, especially at Plymouth, to which he meant to confine himself, he was enabled to speak with as much, and it would not be arrogance to say, more, certainty than any man in that House; and if they did not chuse to give him credit for what he asserted, they might call the general officers commanding there, and ask them their opinion of fortifications at the critical and important moment when the French fleet were off Ply-

mouth.

mouth, of which he was a spectator, and he hoped not an idle one; and would be bound to say, that not a soul there but wished for fortifications. He must beg leave to assert, that the enemy could have landed, and he would not go into suppositions like his honourable friend (Macbride) as to winds and weather, but declare, that it could have been effected at any hour of the day or night of the time which the enemy remained there, and at the very spot which these forts were meant to defend. For his own part he thought, that the most strenuous opposers of the plan would not ensure us a permanent peace, nor would they ensure us, in case of a war, the same honour and abilities at the head of the Admiralty which the noble Lord now there, or his predecessors possessed; he did not know, but if a war happened, we might be cursed with the same mismanagement in that department which we experienced during the war, when our fleets were sent sculking away, and our coasts, our convoys, and our docks, left totally unprotected. Indeed when the honourable General had moved for papers, he thought it was for the purpose of investigating and probing into the errors of the last war, and to make the noble Lord (North) that vigilant Minister, account for the losses which we had sustained in America, and those which we were near suffering at home. This circumstance must operate as a reason for his supporting the plan; but another and a stronger was, that as a sailor and a well-wisher to the service, in which he would give way to no man, he felt an anxiety to see the fleet properly employed in war in annoying the enemy; for he only agreed with the best writers upon the subject when he said, that England in a war with France ought always to act on the offensive; as, in acting otherwise, she gave up all her natural advantages and inspired the foe. Granting this position, it followed that the proposed fortifications would be of essential use, as instead of cramping the operations of the fleet, it must assist them, because the Commander in Chief would act with more vigour against the enemy when he knew our coasts and our dock yards to be safe and protected. In such a plan of war as this, he thought that his honourable friend (Captain Macbride) would join him, as he would have an opportunity to display that spirit of enterprize in *la petite guerre*, for which he was so distinguished; yet he found, that instead of assisting, he had opened his lower tier against it: but he knew that he depended upon his constituents for defending that part of the coast; yet doubtless he would have acted more for the safety of them, if he had voted a breastwork for them to fire over, as he was sure that they would have felt more comfortable behind that, and taken better aim, than if opposed face to face with a French grenadier.

With respect to the language of the honourable Member (Mr. Bastard) for that county (Devon) he was astonished, he was confounded, to hear him assert, as the language of his constituents, that they would not defend the country, or give their assistance in case of an attack, if this question was carried. Surely the blessings of peace and a few years cannot have altered their ideas so much; for during the last war, he remembered that very gentleman heading some hundreds at Plymouth; and so far from thinking the fortifications wrong, they were employed in repairing and strengthening the wretched ones then upon the spot. He would now intreat the House to take notice, that so much had been said of our weakness, and our true situation had been laid so open, that if these, or some works were not erected, and a war to ensue, he trembled for the consequences; but those gentlemen who had opposed them must answer for the event. He wished that they might not find an old, but homely, proverb verified, "That they had been penny wise and pound foolish."

Captain
Bowyer.

Captain *Bowyer* pronouncing himself a friend to the original motion said, that justice, and a sense of his duty to his country, obliged him at the same time to declare, that a greater degree of attention ought to be paid to the navy, when the fortifications were going on than ever, and that both ought to go hand in hand together. The neglect of the navy during the last peace was highly reprehensible; and he therefore recommended it to Ministers, to take particular care that a number of young men were properly trained up and educated for the service, so that in case of a rupture there might be a sufficient number of them qualified for petty officers. The want of this was severely felt at the commencement of the last war.

Sir Charles
Middleton.

Sir *Charles Middleton* remarked that when the matter had been first agitated a session or two since, he had great scruples upon the subject; but he was now persuaded, that the proposed measure was wise, prudent, and necessary. The securing the dock yards was certainly a great object, but a still stronger reason operated upon his mind in its favour, and that was, it would enable us to have the full use of our navy in case of a war. This was likely to be a most essential advantage; and had we possessed it last war, he was firmly of opinion we should not have failed so often as we had done, because, although we might not be equal to our enemy upon the whole in point of naval force, yet there occurred several situations at sea, in which we might make ourselves equal.

M. Barré. Colonel *Barré* said, that he should put his decisive negative upon the position, that it was either right, or wise, or
exp-

expedient, to fortify the dock yards; and if the abstract question were to depend on his answer, he declared that he would say no to it in the most direct and unreserved manner. With regard to the argument of his right honourable friend, who had opened the business with so much eloquence, he must deny it, and every part of it. When the House had done him the honour to adopt his advice last session, was it to be imagined, that by his recommending a Board of Naval and Land Officers, men of high rank, known experience, and admitted abilities, to inquire into, and report the most proper and fit mode of defence of the kingdom, he meant a paltry, narrow, circumscribed plan of fortifying two dock yards? He had not the smallest idea of any such scheme. He had been struck with the grand conduct of the wisest Princes that ever reigned, who, at a period of extreme peril, had taken advantage of the collective wisdom of both services, the navy and army. He had read a pamphlet published under the auspices of the noble Duke, on the subject of fortifications, during the last year, and meeting with a passage which provoked his indignation, it occasioned his coming down to the House in the preceding session, on the day when the ordnance estimates were to be voted, and while sitting in his place and hearing the arguments which were then urged, he rose and delivered his opinion, in the course of which, warmed, and glowing with the importance of the matter in discussion, he had asked with some emphasis, "Who was the man that dared limit the extent of the navy of England, or circumscribe the exertions of this country in the increase of her marine!" That question he must put again, because the attempt was again made to commit so presumptuous an act; an act little short of treason to the state! It gave him infinite pain to differ in opinion from his right honourable friend before him; but his duty to his country demanded that he should speak out, and let no personal attachments, however strongly they clung about his heart, stand between him and the exercise of his honour, in doing his utmost in endeavouring to avert the disgrace (perhaps the ruin) which awaited the remaining parts of the British empire, if so rash, so mischievous a plan as that in contemplation was permitted to be carried into effect. The Colonel recapitulated all which had passed upon the subject during the last session, and said, that the sort of Board of General Officers, and the objects to which they were to direct their attention, as well as the manner of directing it, were far, far different indeed from the constitution of the Board which had been instituted; the mode of their proceedings, the result of their inquiry, and the Report they had made, the whole of which was so curious, that it was worth the while of the House to trace it re-

gularly, and view it collectively. Having recapitulated all the steps taken from the period of his advising the institution of a General Board of Naval and Military Officers, to the day of the Extracts from the Report coming before the House, he marked every part of the proceeding, and held it up as a series of instances of artful management, misapplication of time and talents, and useless inquiry. The Board which he meant, was a Board of great respectable, and independent characters; men who had no vote to give, no favours to look for, no frowns to fear; men who would have done their duty without a consideration whom the result would please, or whom it would displease. Their object was to have been to inquire into and report the best mode of defence of the kingdom, and in pursuit of such an object they would not have confined themselves to two petty spots, but would have acted on a large scale, and cast their eyes round the kingdom. They would not have compressed their business into ten days at Portsmouth, and ten days at Plymouth, but have employed a due proportion of time in a deliberate discharge of their duty. If Portsmouth and Plymouth ought to be fortified, Chatham, and Sheerness, and Dover, and Harwich, and Yarmouth ought to be secured likewise; nor should the North pass unregarded.

The noble Duke had great abilities and great assiduity; he was astute, logical, and a perfect master of argument in debate — No wonder that he was too much for a set of brave officers, used chiefly to out with their lower-deck tier and make ready for action. The noble Duke was fond of engineering,

“Diruit, ædificat, mutat quadrata rotundis;”

and (to do him justice) he was no bad engineer. Let him employ himself in engineering, but not at the expence of the Public! The Colonel next compared the Duke's qualifications for contriving and carrying into execution this or any other plan of fortification, with those of General Conway, Lord Amherst, or Lord Townshend, all of whom (he said) by procuring himself to be appointed President of the Board, he had excluded from their seats at that Board. Having dilated on their respective services and characters, he then remarked, that the office of Master General of the Ordnance was a civil employment, and frequently holden by a person not a military officer. He instanced the case of the Duke of Montagu. He mentioned, as in his idea, another characteristic of the noble Duke, at this time Master General, that he was never known to give up a point in his life; and that, he said, added to his being so astute, rendered it impossible for the respectable Naval and Land Officers who sat at the Board.

Board to cope with him on a logical contest. He desired not to be understood as meaning to cast any imputation on the gentlemen who had constituted that Board; he revered their characters, and bowed to their authority; it was the mode of institution resorted to, and not the men whom he condemned. In speaking of the uselessness of fortifications, he stated the erecting untenable lines of circumvallation, as giving strength to the enemy; and instanced in proof his assertion, the fact of Lord Amherst's having possessed himself of the lines of Ticonderoga, which the enemy, out of weakness in point of numbers, had abandoned, and which served Lord Amherst as an useful shelter for his men from the enemy's fire. He could only account for a right honourable gentleman (Mr. Pitt) having taken so active a part in recommending so wild and useless a project, by supposing that his conscience had been surprized, or he would not have assisted at all. He should now beg leave to refer the House to a list of papers, copies of which had formerly been laid on the table, whence it would appear, that we had, during the last war, 120 sail of the line at sea, and 95,000 seamen on board, when the House had only voted 80,000, notwithstanding the number of British seamen on board privateers, and notwithstanding also the great drain occasioned by so many of the profligate of England, Scotland, and Ireland, having flown to America, entered on board their ships and other foreign vessels and fought against their country. The peace had been marked by the epithet of a necessary peace; but it was a great and glorious peace; and notwithstanding what had been uttered in that House and without doors about it, the author of this happy event daily received the gratulations of the whole kingdom for having wrought so happy a work. The noble Marquis when he made it was aware of his danger; he had honoured him with his confidence, and had said, "I know that if I do not make a peace immediately I can keep my place; if I do make it, I shall essentially serve my country, at this time sinking under the weight of almost exhausted resources, and utterly incapable of continuing war; but I shall lose my situation: I disdain however all considerations of a personal and self-interested nature, I will make a peace, be my risque what it may." This was the magnanimity with which he acted, but the confidence which the Court of Versailles had in him made the arduous task somewhat less difficult, and the country was now experiencing the blessings, the wealth, and the vigour that had flowed from the tranquillity which had been effected. In conclusion Colonel Barré desired not to be understood as meaning to hold himself out as a skilful engineer; he was none, nor could he pretend to any great military skill: he had

had been long invalidated, most honourably indeed, more so than he deserved.

The hon.
James Luttrell.

The honourable *James Luttrell* (in reply to Colonel Barré) observed, that the fortifications were the only question since the peace which had drawn forth the attention of that respectable Minister to the important business of Parliament; and retorted on the Colonel his profuse compliments to our invincible and unlimited navy, as ill suited to grace the terms of that peace which could not be thought glorious by comparison with the former peace; and he hoped no historian would ever be able to praise it by comparison with any future peace, which an enemy should dictate upon the ashes of our dock yards.

He lamented that it was not proper to lay before Parliament the whole proceedings of the Military Board. He wished the nation knew their danger, if that would induce them to apply a remedy — He also wished to do justice to the impartial and judicious proceedings of the Military Board. He read the questions referred to them by His Majesty's instructions, which he said were plain and distinct; he alluded also to the first unanimous resolution of Land and Sea Officers contained in the Report, which stated, that they had availed themselves of His Majesty's permission to alter the data, and the very first datum so altered declared unanimously that fortifications were necessary for the security of the docks in the cases of absence of the whole fleet, or such other causes as might prevent the fleet from affording its protection to the docks.

To this datum the Sea Officers were unanimous — It was enough for them to say, the docks ought to be fortified; they were not called upon to give any opinion on the construction of forts; that belonged to the Engineers and General Officers. If the Sea Officers had thought ships sufficient for the protection of the docks, they could easily have answered the first question, whether a naval defence could be relied on for the defence of the docks?

The Sea Officers had pointed out where an enemy could land, and fully answered all maritime questions; but except such parts of the construction of a fort as was meant to operate against ships, and to guard the entrance of a harbour, they had not at Portsmouth given any opinion, neither did he think them authorised by His Majesty's instructions in the Report to give any opinion respecting the best system of fortification for land defence at Plymouth. The Sea Officers had also expressly declared, after recommending gun boats, water, and signal houses, for Plymouth, that they had no other improvement or other system of defence to suggest.

He

He conceived his gallant friend (Captain Macbride) saw difficulties for an enemy to surmount in Whitesand Bay that he would not call difficulties if opposed to him in any operation on the enemy's coast—That to say a landing might be effected if unopposed, mixed a land question with a sea question. Unopposed might mean to oppose with ten guns or a thousand guns; and an enemy is not unopposed, if, instead of risking the fate of the dock upon the possible event of landing, the object for landing was removed by giving perfect security to the dock. He compared Whitesand Bay with Gabruse Bay in America, to shew that greater natural difficulties, added to the opposition of fortifications, had not been sufficient to prevent the British troops from landing in the teeth of the enemy's batteries of troops, for the important object of taking Louisbourg; and argued, that great difficulties will always be undertaken for a great object.

He went over the so-often-repeated grounds of the instances of our fleet in the last war abandoning the defence of the docks, and the difference between the policy of a general system of fortification to guard against an enemy whose numbers and preparations should be equal to an invasion of this kingdom against the collective force, and the policy of guarding our docks, the vital parts of the kingdom, from an enterprise of 20 or 30,000 men, in the temporary absence, or in case of the inferiority of our fleet, against our dock yards.

He went into some detail to shew, that the French, without additional expence in war, only by keeping 15 or 20,000 men upon the opposite coast, and when occasion required, by laying embargo on their coasting vessels, would be at all times prepared in war to push across the Channel under protection of their fleet, an expedition against our dock yards. If forty sail of the line were to be kept in check by French troops, it allowed a French army virtually to operate as an increase of their navy, because a superior French fleet could force a landing; if our fleet should be inferior and forty sail of the line at Brest would oblige us to keep forty sail of the line to oppose it, except in the case of French troops so situated as to force a landing near our docks if we suffered our home fleet to be inferior to the enemy. Under this check of preparation for invasion, we could not send abroad reinforcements; and for the miserable œconomy of saving 500,000*l.*, Jamaica, Barbadoes, Quebec, or our most valuable possessions in the East, might fall a sacrifice, and commerce and convoys be abandoned, owing to the inferiority of our fleet in those seas compared with those of the enemy, and our home fleet being confined to Channel service.

He

He reminded Mr. Fox of his argument at the opening of the session, threatening us with alliances between the Dutch, the French, the Spaniards, and the Emperor, and a combination of naval force against us unparalleled in any former period of our history. If it was true, that money could be found to build as many ships as all those powers combined, it was no increase of naval strength to build more ships than we can possibly man, and in the last war we never manned an equal number of ships to France and Spain alone, and an enormous increase of our seamen was by no means probable. We were told the French did not like to attack us, and that they would not keep 15 or 20,000 men in the towns and ports of the opposite coast; but by what magic, as extraordinary as any convulsion of nature, could any member of that House set bounds to the ambition of France, or limit the number of her troops, where great objects in view must justify great expence, great risk, and great efforts? We were told a future war may be a war of alliance—the object of these fortifications is to set the navy at liberty for offensive war, as well as for the defence of our foreign dependencies: and of all wars, a war of alliance ought to be an offensive war; because, if each ally only acts on the defensive, there would be no conquests made by either to balance, in the terms of peace, the losses which one of the allies, or more than one might sustain: and the peace which could not partially be made for the benefit of the one, must end in disgraceful and inglorious terms of peace for the whole.

To relieve our navy from local stationary service, these forts were meant to be erected — If we are weak, it is the more necessary: but even if we could launch half our fleets, and cover the wide ocean with our numerous fleets, he wished them to go forth for offensive war, for extension of empire, protection of commerce, and for the glory of the British arms; but strongly reprobated their being obliged to lie idle, stationary, and sheltered in our ports, a mere defensive, inglorious, unprofitable force.

Speaking of the bad consequences and imbecility of the American war, he concluded by observing, that although it had been said, the sun of Britain's glory is sunk in our western hemisphere, we had the consolation to see a glorious sun rise in our own horizon, which though accused of not being yet in its meridian, had already shed its happy influence on this island, so as to restore vigour to the Constitution, and such strength to the roots of our resources as promises the fairest prospect of growing prosperity, and of the future happiness and welfare of the British empire. He inferred that there were no grounds for despondency, nor for profusion, but that to grant the necessary supplies for so
import

important a service, was state œconomy, as well as sound policy.

He entered into some detail to justify the estimates for the fortifications. He remarked on several parts of the Report, and insisted there were but two negatives to some additional fortifications being necessary. That all admitted the noble Duke's system would completely defend the docks in case of the absence or inferiority of our fleets—but if we reject that security, and keep an equal home fleet with the enemy, for our defence, he feared such a measure must, in its consequences, eventually reduce our Sovereign from being monarch of an empire, to be King of the single island of Great Britain.

Mr. J. *Hawkins Browne* expressed the highest satisfaction at discovering that a zeal for the navy was universal on all sides of the House; and he trusted that this would always be the darling service of this country; but he was astonished to hear the importance of the navy urged as an argument against those fortifications when it was the only argument in their favour, for these fortifications were not intended to substitute a new species of defence for the kingdom in lieu of our navy, but to protect our dock yards, and our dock yards only, which were our vital and vulnerable parts, because they were the gem and support of our navy. A right honourable member (Colonel Barré) had observed that magnanimity was the best public virtue in times of vigorous enterprise, or in those moments of imminent danger which we experienced in 1779, and in 1782. Granted, yet prudence was a national virtue as well as magnanimity, and the most fit to be exercised when we had a prospect of long continuance of peace, as he hoped we now had, and when we might contemplate to advantage our former dangers, and pursue the wisest means to prevent the return of them. Fortifications, he observed, were not new in this country; large sums had been lavished upon them during every former war; but this was the first time that a regular plan had been laid before that House not dictated by the pressure of immediate necessity, not dependent upon the opinion of any Minister, nor the caprice of any Master General of the Ordnance, but approved by the first military and naval characters in this country. This was to him, and must be to most members of that House, in a great measure, a question of confidence. But, in whom were we to place confidence, if not in the executive Government, calling upon us for the public defence, and supported by the names which appeared in the Report, a Report to him perfectly satisfactory, and in the most essential parts unanimous. He concluded by pressing strongly upon the House if, in consequence of their rejection of this plan, and their

Mr. J.
Hawkins
Browne.

refusing this confidence, they should live to see our dock yards destroyed, and the seeds and sources of our future navies annihilated, how they could ever forgive themselves, or make atonement to their constituents and the Public?

Mr. Courtenay.

Mr. *Courtenay* said, he hoped for the attention of the House on this very important, comprehensive question, as he would endeavour to compress what he had to say in as few words as possible, and would not trespass on their patience either by prolixity or repetition. At the same time he begged leave to declare, to prevent all possibility of misconstruction, that in opposing the present system of fortification, he acted from no personal spleen to the noble Duke at the head of the Ordnance department. He had always been treated with great civility and flattering attention by the noble Duke, and should always esteem the approbation he (Mr. *Courtenay*) had received of his official conduct from so accurate and discriminating a judge, as a singular honour. Mr. *Courtenay* then adverted to the very peculiar circumstances under which the Board of Land and Naval Officers was constituted. It certainly never was understood, when the House of Commons reposed that unbounded confidence in the Chancellor of the Exchequer—he would appeal to gentlemen on both sides of the House, whether they entertained the most distant ideas at the time—of any intention to make the noble Duke President of such a Board, whose sole object and express purpose it was to investigate and report on the merits of a plan of fortification projected by the noble Duke himself. If there was nothing reprehensible but the indecorum of such an appointment, he should take but little notice of it; but when, by this management, the country was deprived of the abilities and assistance of some very able and experienced officers, it deserved the severest animadversion. He did not profess to give any invidious preference to one military man over another, not being a judge of the competent merits of military officers; but this he begged leave to say, that in a general view, age, experience, and long service, gave a decisive superiority in the military profession. Still he acknowledged there were sometimes, but rarely, illustrious exceptions to be met with; there were extraordinary characters who mastered every science, rather by intuition than study. But surely the most partial of the noble Duke's friends would scarcely venture to rank him among beings of this very uncommon and superior class. He would therefore submit it to the House, as he was sure it would incite indignant feelings in their breasts, when they were told, that General Conway, Lord Amherst, and Lord Viscount Townshend, found themselves at once degraded and excluded, by receiving a circular letter from the Secre-

tary of State, to place themselves under the control and command of the noble Duke. The Public were insulted by having their names ostentatiously displayed in the Gazette, at the very moment they found themselves obliged to decline the service. For how could General Conway, Lord Amherst, and Lord Townshend, consistent with their own dignity, and with military honour, serve as members of a Board of Land and Naval Officers under the Duke of Richmond? The only alternative left them was to decline the service, regretting, at the same time, that the very disagreeable and embarrassing situation in which they were placed, obliged them to take such a step. The next thing the Public had a right to expect was this—that able and experienced officers should be substituted in the room of those who were thus studiously, and, perhaps he might add, assiduously excluded.—Was this the case?—No.—Why was not Sir Henry Clinton's name placed on the list? Early distinguished for his military skill and spirit; the friend and favourite of the Hereditary Prince. Would it be suspected that he had adopted the sentiments of the Prince of Brunswick, on the expediency and utility of fortifying Portsmouth? Did the House know the opinion the Hereditary Prince gave on that subject? What he did say probably did not apply to the noble Duke; for he only said (after viewing the works and posts with a military eye) that no officer who knew how to manœuvre and station a corps of troops properly, would dream of defending Portsmouth by fortifications. Let us now contemplate the noble Duke, President of the Board, declaring *ex cathedra*, laying down his hypothetical syllogisms, proving his own data by the *modus ponens*, and confuting all objections by the *modus tollens*, amidst the applause of his own Engineers, amidst the roar of his own artillery.

The noble Duke judiciously attacked them with the only species of weapons with which they were unacquainted, and obtained an easy, decisive, and glorious victory. Suppose we now revert to the probable expence of those projected fortifications, and observe their progressive increase, even on the noble Duke's own estimate. In the year 1783, four or five hundred thousand pounds were stated as sufficient to complete the intended works at Portsmouth and Plymouth for the security of the dock yards.—In 1785, 692,562l. were stated as the probable amount, in the Military Memoir presented to the House, and signed by the Master General, and the other members of the Board of Ordnance. In the year 1786 the estimate of the charge for completing the works, amounts to 760,097l. almost double the original sum, notwithstanding this last estimate had been reduced by the *economical labours* of the Committee of Engineers at the

Tower, who had cut off near 50,000*l.* from Colonel Dixon's calculation. This able and experienced Engineer had added a third, and assigned this reason for doing so, to provide for extraordinaries which he could not foresee.—However, he was called upon to specify what he had already said, he could not foresee, and on his not complying, 50,000*l.* was struck off his estimate by the Committee of Engineers, which at least was a short and compendious mode of deciding the question. Now, if we add a third more on the whole of the estimate for 1786, it will amount to very nigh a million. The Chancellor of the Exchequer stated it so. Now supposing the fortifications compleated, and a million expended, the bare interest of the sum is 50,000*l.* If we add to this, three or four per cent. for repairs, (no unreasonable computation) besides the interest on that capital which still remains to be laid out in artillery, stores, &c. the whole annual charge perpetually entailed on this exhausted and impoverished country will be 100,000*l.* at least. To some gentlemen this might appear but a trifle; but let it be considered that every burden is of a mixed and blended nature, not solely to be estimated from the sum raised, but connected with the capacity of the people to bear it. Before the late unfortunate war, before the glorious prodigality of the German war, the people of the country were perhaps better able to bear an annual charge of 500,000*l.* than 50,000*l.* at present. Mr. Courtenay then alluded to what fell from an honourable gentleman (Mr. Walwyn) that the profuseness of the Chancellor of the Exchequer in this instance might induce the Public to impute his conduct rather to private political motives than enlarged patriotic principles. For his own part, he repudiated such an idea; still he could not answer for the invidious construction of others, who might conceive it possible for the Chancellor of the Exchequer to sacrifice a million to gratify the whim, conciliate the obstinacy, and insure the precarious attachment of one capricious, projecting individual. However, if a political, he would not say, cordial, friendship could be promoted by such means, he had little objection. If the hands of Government could be strengthened by fortifying the dock yards, a million was but a trifle to effect such a salutary purpose. If the principle was fairly avowed by the Chancellor of the Exchequer, or any of his vouching friends, he would vote for the noble Duke's fortification; confident as he was, that it would promote peace, unanimity and concord in the Cabinet, where it was sometimes so much wanted, and always so essentially requisite. Besides, the beneficial effects would not stop there—faction would be depressed and confounded; the petitions on the table would be withdrawn; the murmurs and complaints of the People

People would cease, if it was once avowed that the House of commons had generously voted away a million of their constituents' money, for the sole and express purpose of cementing an alliance between two such great personages as the Master General of the Ordnance and the Chancellor of the Exchequer. To establish an adequate fund for the payment of the interest, and other incidental expences, he hoped the shop tax would be made perpetual, and the produce of it unalienably applied to the building of fortifications.

Mr. Courtenay then begged leave to observe, lest the pægyric passed on the noble Duke in an eulogium, by an honourable gentleman (General Burgoyne) should make too strong an impression on the House, that the noble Duke's skill was rather problematical, and indeed holden in very slight estimation, by professional officers with whom he had conversed on the subject. He had been told that there was a battery erected at South-Sea Castle by the noble Duke himself; nobody disputed the honour of it with him; it was his own unclaimed dividend: many of the guns were so injudiciously placed, that they would not bear on the designed object; the buoy on the spit; on firing, their recoil endangered the battery; and the narrow enclosed casements were so well contrived, to prevent the escape of the smoke, that, on quick firing, the gunners must perish like bees suffocated in a hive. What should we think of the noble Duke's line

of defence, from Stokes Bay to Frater Lake, above three miles in extent? He would appeal to any military man whether an enemy's column might not, with the utmost facility, and with very little danger, penetrate between his projected Forts? and his boasted works must then fall at

Was it ever discussed, or was it ever moved as a proposition by the noble Duke, and submitted to the Board.

Magazines (bomb proof) might not be built in the Portsea Island, at a very inconsiderable expence.

Whether an immense sum might not be saved by concentrating military works to that island alone? A bomb

magazine (he spoke from the unquestionable authority of an excellent engineer) of about four hundred tons

would hold almost double the quantity of powder contained in the dock yard at

This at 10s. per ton

Filling up the inside

In short, the very respectable Board of Naval and Land Officers were attacked by surprise, and surrounded and besieged by the noble Duke's new-raised corps of data, axioms, postulata, lommata, corollaries, and hypothetical syllogisms, and soon found themselves reduced to surrender at discretion. Seriously, they found themselves absolutely precluded from considering the general defence of the kingdom, combined in all its circumstances, on a large and comprehensive view; and only specially appointed to examine the noble Duke's plans for Portsmouth and Plymouth, and report accordingly. Mr. Courtenay begged leave to remark, that the Chancellor of the Exchequer had always, and indeed, rather triumphantly, laid it down as an incontrovertible datum, that the very existence of our fleet depended on the stores in our two dock yards. Was the fact so? Thank heaven it was not; the right honourable gentleman had again that day, with his usual eloquence, in all the fascinating pomp of declamation, enobled and dignified—hemp, tar, pitch and oakum, turpentine and sail-cloth, by the name, stile and title of the seeds and stamina of the future navies of England. Was this the language of a British statesman? Was this the language of a well-informed, enlightened British Minister? For his part, he had always formed a very different idea on the subject; he had always thought that the seeds and stamina of our fleets consisted in an unbounded commerce, in the superior skill and gallantry of our naval officers, in the hardness and intrepidity of the British sailors; in the freedom of the British constitution, which diffused a spirit of independence to the lowest individual of the community. Such were the true stamina of our navy; of that navy to which Britain was indebted for her empire and her glory, and which had extended her fame to the extremities of the globe.

“ In vain the nation has conspired her fall,

“ Her trench the sea, and fleets her floating wall.”

But could the right honourable gentleman be ignorant, that there are ten times the quantity of naval stores in the merchants warehouses in the river, than were ever at one time in the king's stores at Portsmouth or Plymouth? How many ships of the line were launched last war from slips in the river? Where did the East-India Company build the *Asiatic* Ganges, and the Bombay? Did not a noble Earl (of Lonsdale) contract with a private builder for the ship which was designed as a present to the King; but to his great regret, was most unluckily prevented from accomplishing his patriotic design, by that necessary peace which a noble Earl made, and the Chancellor of the Exchequer signed. — Mr.

Courtenay

Courtenay then expatiated on the spirit and generous exertions of the country gentlemen of England, who had last year compelled the Minister, however reluctant, to suspend the noble Duke's plans, and even put his office in commission, and now by their perseverance and patriotism, would probably put an end to a scheme pregnant with every mischief. If this military projector was not checked in his career, none could know what consequence might ensue. A Master General, with his Committee of engineers, like the Leputan Philosophers, in their flying island, might hover over the kingdom in an Ordinance balloon, descend in a moment, and seize on any man's house and domain—(Mr. Cary would not be the only sufferer) draw out their scales and compasses, or sketch out their works. The country gentlemen would find their terraces converted into bastions, their slopes into glacis, their pleasure grounds and shrubberies into horn works and crown works, to which they have hitherto borne an irreconcilable aversion. But where was this system to end? Who could set bounds to it? If Portsmouth and Plymouth were to be covered with military works to preserve the naval stores, London should be fortified on the same principle. Ridiculous as this project might now appear, there was once a serious design entertained of carrying it into execution. For the truth of the fact, he would appeal to the venerable records of the Court of Aldermen, to the authentic minutes of the Board of Ordnance.

When the Pretender, in the year 1745, or, to speak more courtly language, the Grandson of James II., had slipped the Royal army and advanced as far as Stone, the Court of Aldermen took no false alarm:—The Lord Mayor sent a circular letter to every member, commanding his attendance, constituted himself president, drew up a set of instructions to direct their proceedings; and after a long debate, it was at last unanimously agreed to apply to the Duke of Newcastle to send them an engineer; as, on such an arduous occasion, they did not choose to entrust the defence of the metropolis to the city surveyor—his office, therefore, like the noble Duke's, was put in commission, Colonel Lascelles was actually appointed for this duty, and was directed to wait on the Lord Mayor and Aldermen with a plan and estimate, but an express critically arriving, with an account of the Highlanders retreat to Scotland, put a stop to this wise project.—If we were resolved to provide against all possible dangers by fortification, why should not Newcastle, Sunderland, and many other important places be secured in this way? The noble Duke, from a principle of gratitude, would not leave our collieries exposed to an attack; and they would equally affect the partial attention of the Chancellor of the Exchequer.

quer; as he had early, with infinite sagacity, perceived in them the stamina of future taxation. Mr. Courtenay then alluded to what a right honourable gentleman (Colonel Barré) had rather, he thought, invidiously introduced, a sort of comparison between the commission issued to Sir Walter Raleigh and others, the first military characters of the age, in the reign of Queen Elizabeth, and the late circular letter and instructions to the noble Duke. This was tender and delicate ground; otherwise, he had a strong inclination to say—*Rex facit Elizabeth olim; nunc est Regina Jacobus*. Mr. Courtenay said, he now clearly perceived why the right honourable gentleman had, with his usual point and energy, objected to the Master General's having a seat in the Cabinet, as our navy was to be increased, our army diminished, by the singular expedient of building fortifications. If we were to credit the Chancellor of the Exchequer (though all this appeared an Ordinance conundrum to him) why might not the want of allies be supplied in the same manner? It was only one step farther; on this supposition the right honourable gentleman (Colonel Barré) might justly apprehend, that the Master General would act consistently with his own principles, and oppose any alliance in the cabinet, lest it should make his fortifications less expedient and necessary. Indeed, this was the most singular, and at the same time the most versatile project that ever was devised. In other ages, and in other countries, the increase of the military establishment was always deemed essential when the fortifying system took place, otherwise it became relative weakness.

But the noble Duke had so contrived it (and the Chancellor of the Exchequer became his voucher) that it would reduce our standing army, increase our fleet, and furnish us with firm and steady confederates in the day of peril. By a sort of second sight, we were to discover allies in pentagonal forts, and a squadron of the line in a chain of redoubts. Mr. Courtenay observed, that several gentlemen had justly stigmatized the fortifying system as dangerous and inimical to freedom and the constitution. He should take the liberty of offering to the House the sentiments of a great and political writer on the subject: Baron Montesquieu expressly applauds the watchful jealousy of the English, in not permitting the executive government to erect military works and fortifications, as by such means despotism may be established under the specious pretext of protecting the kingdom against a foreign enemy. Historical facts confirmed the principle.—In the reign of Charles the First, the glorious efforts of our ancestors would not have proved successful, if Portsmouth had then been surrounded with the present projected works; and Lord Clarendon justly remarks, that the possession of this place

place was almost reckoned decisive in the contests between the King and Parliament. However, he did not mean to draw any invidious parallel between those inglorious and the present auspicious times; but we might not always be blessed with a gracious Prince; we might not always have a mild, unassuming virtuous Minister.

“ A King might arise who knew not Joseph.”

Still it was the duty of the representatives of the People to guard posterity against those evils which they were not apprehensive of suffering themselves. Mr. Courtenay concluded, by calling forcibly and with energy on every man, who felt for the rights and liberties of his country, who venerated the glorious Constitution of England; as it behoved every man to reflect seriously, before he gave his voice on a proposition of such dangerous tendency. The proposition moved by the Chancellor of the Exchequer on the suggestion of the noble Duke, went directly to depreciate the British navy, and to substitute a new and fallacious mode of defence in its room. A new and degrading species of discipline was to be introduced. The British soldier was to be left

“ To lurk in the trench, and skulk behind the line.”

On his conscience and honour he believed the vote of that night would be decisive; fatally decisive indeed, if the amendment proposed by the honourable gentleman (Mr. Bastard) was not carried.

Lord George Lenox begged leave to assure the honourable gentleman who spoke last, that he was not thoroughly grounded upon the facts to which he had adverted. In one instance he erred extremely; for it was a truth, that at the fortification of South-Sea Castle, built by the Master General of the Ordnance, neither the defect of letting its guns run back at the time of firing, nor of smothering the men with their smoke, had ever taken place. The honourable gentleman had a manner of delivering his sentiments which might divert himself, but he must appeal to the honourable General near the honourable gentleman, if the fact did not differ most materially from such statements.

General Burgoyne declared, that thus called upon, he could not as a man of honour refuse to say, that he had seen the fortrefs, and that he had not observed the inconvenience in question.

Mr. Courtenay answered, that he had not asserted the fact as Mr. Courtenay falling within his own knowledge, but had merely stated, that such a circumstance had been related to him by an engineer.

The House doubtless would hear the sentiments of others on this particular point.

The hon.
Charles
Marshall.

The honourable *Charles Marshall* remarked, that his objection to the proposed system of fortifications must chiefly rest on the difference of opinion which prevailed between the Naval and Land Officers who formed the Board of Inquiry. In all points of so peculiar a nature, the authority of the Land and Sea Officers would have great weight with him; and had he reason to think that the Board had been fairly and impartially constituted, and that their opinions were unanimous in favour of the proposed system, he should, in that case, have given his vote in its support; but in consequence of what he had heard from the honourable and gallant officer near him (Captain Macbride) he was led to imagine that the reverse was the fact. An honourable gentleman (Sir Charles Middleton) had argued in favour of the proposed system of fortification, and he also should beg leave, in order to shew what had been the prevailing opinion of the best and wisest statesmen on the subject of insular defence, when the danger of invasion was most dreaded, to trouble the House with an extract of a letter written by Sir Nicholas Throgmorton to Secretary Burleigh in the reign of Queen Elizabeth; it ran thus:—"In any wise, Mr. Secretary, tend your force, credit, and devise, to maintain and increase your navy by all the means you can possible; for in this time, considering all circumstances, it is the flower of England's garland; animate and cherish as many as you can to serve by sea—Let them neither want good deeds, nor good words. It is your best and most cheap defence, and most redoubted of your enemies and doubtful friends, there is not so many perils in it, as there is to depend upon fortresses; neither the charges be like."

Lord Ma-
non.

Viscount *Macon* declared, that in his opinion, the increasing the army was not the best way to increase the navy; but he always conceived, that a standing army ought to be an object of constitutional jealousy in this country. No consideration whatever should have induced him to support this plan of the noble Duke (Richmond) if it had not been proved to the House, that this plan would tend to decrease instead of increasing the number of troops necessary to be employed to defend the dock yards.

He then read the following extracts from the Report of the Board of Land and Sea Officers, who had been appointed to examine the Duke of Richmond's plan of fortifications:

"Your Majesty's Land Officers (at Portsmouth) are unanimously of opinion, that the proposed finishing of works already begun, the improvements to old ones, and the
" plan

“ plan for rebuilding South-Sea Castle, will, together with
 “ the new works proposed, give a reasonable degree of secu-
 “ rity to Your Majesty’s dock yard at Portsmouth, for the
 “ time and under the circumstances of the data, with a gar-
 “ rison of the numbers before specified (regulars and militia)
 “ which the Land Officers are of opinion is sufficient for its
 “ defence; whereas the present works, even when repaired,
 “ finished, and improved, would require a larger force for
 “ their defence, with which they would still be ineffectual
 “ for the purpose of securing this dock yard.”

“ Your Majesty’s Land Officers (at Plymouth) are una-
 “ nimously of opinion, that a garrison (of the numbers be-
 “ fore specified, regulars and militia) appears sufficient, if
 “ the proposed new works and repair of old ones are executed,
 “ and that for the present works, even when repaired, a
 “ much larger garrison would be ineffectual for the pur-
 “ pose of securing the dock yard.”

And at the end of this Report, a still stronger fact is
 proved, viz.

“ The works we recommend, appear to us to be calculated
 “ upon the most æconomical principles, and to require the
 “ smallest number of troops possible to answer the purpose of
 “ effectually securing Your Majesty’s dock yards at Portf-
 “ mouth and Plymouth.”

(Signed)

Richmond,	James Pattison,
Guy Carleton,	Sam. Cleaveland,
Will. Howe,	James Bramham,
Geo. H. Lenox,	William Green,
Cornwallis,	William Roy,
David Lindsay,	George Garth.
Charles Grey,	

Viscount Mahon concluded by observing, that the question
 was not whether there should be fortifications or no fortifica-
 tions to defend the dock yards; but whether the present ex-
 isting fortifications, which require a very large body of troops
 to man them, and which are not adequate to the defence of
 the dock yards; or whether the plan proposed by the Duke of
 Richmond, which will require a much smaller number of
 troops to man them, and which will give security to the dock
 yards, ought to be preferred.

Mr. *Sheridan* declared, that he gave the noble Viscount ^{Mr. Sheri-}
 full credit for the principles he had professed, with respect to ^{the}
 the Constitution; and that he did sincerely believe that the
 noble Viscount would not vote for the measure then under
 discussion, but upon a supposition, that its tendency was ra-
 ther to diminish than augment the military power of the
 Crown;

Crown; upon this ground therefore he would meet him, and he was sanguine enough to believe, that the noble Viscount might be induced to alter the opinion which he had declared, unless indeed, he was restrained from exercising his free judgment upon the subject; an apprehension which a late speech of his had suggested, a speech in which the noble Viscount had expressed himself so full of dread and horror, at the means by which a Tory foe, in another place, had, both by sap and storm, assailed those constitutional bulwarks which the noble Viscount had so zealously endeavoured to erect for the protection of our decayed election rights, that it was almost reasonable to presume that the noble Viscount might have entered into a serious compact with a noble Duke, his former ally, on this subject, for reciprocal assistance on their two favourite objects, by which the noble Viscount was peremptorily to support the plan of fortifying the dock yards in that House, or the noble Duke would no longer engage to assist him in fortifying the Constitution in the other. But what was the noble Viscount's argument? He had rested the matter entirely upon the ground taken by his right honourable friend (Mr. Pitt) that the pursuing this system of fortification, would actually diminish the standing army in this country, and that the number of troops being so diminished, there would be proportionally less cause for that constitutional jealousy, with which all parties agreed it was our duty to regard the increasing military power of the Crown. That this system of defence by fortifications, could, under any circumstances, have the effect of reducing the standing army, he must beg leave utterly to deny. Some plausible arguments indeed had been adduced in support of this notion, which, however, when sifted, would be found fallacious and contradictory; for the present, however, he would wave that point, and admit implicitly, that the standing army of the country would be reduced by the measure proposed precisely in the proportion stated by the noble Viscount; it then, however, remained to be proved, that, giving the noble Viscount his premises, he was right in his conclusion. When we talked of a constitutional jealousy of the military power of the Crown, what was the real object to which we pointed our suspicion? What was the datum, as the fashionable phrase was, upon which they proceeded? What!—but that it was in the nature of Kings to love power, and in the constitution of armies to obey Kings. This, doubtless, was most delicate ground to touch upon; but the circumstances of the present question called for plain dealing; and for his part, he could not be suspected, even in the smallest degree, of alluding either to the present Monarch on the throne, or to the army under his command. He agreed most sincerely, to the distinctions

tinctious taken with respect to both, by a worthy baronet who had spoken before him; but, at the same time it must be admitted, that whenever we spoke of a constitutional jealousy of the army, it was upon a supposition that the unhappy time might come, when a Prince, misled by evil counsellors, and against the suggestions of his own gracious temper, of course might cherish the disastrous notion, that he could become greater by making his subjects less, and that an army might be found so forgetful of their duty as citizens, so warped by feelings of false honour, or so degraded by habits of implicit obedience, as to support their military head in an attempt upon the rights and liberties of their country! The possible existence of this case, and the probable coincidence of these circumstances, was that to which every gentleman's mind must point, when he admitted an argument upon the subject; otherwise we burlesqued and derided the wisdom of our ancestors, with the provisions of the Bill of Rights, and made a mere mockery of the salutary and sacred reserve with which, for a short and limited period, we annually intrusted the executive magistrate with the necessary defence of the country. This plain statement being really the case, to what, in such a crisis, were we to look? Were our apprehensions only to be directed to the length of the muster roll of men in the King's pay? Were we to calculate only the number of soldiers whom he could encamp at Hounslow, or the force of the detachment which he might spare to surround the lobby of the House of Commons? No; the jet and substance of the question lay briefly here: In which of the two situations now argued upon, would the King and his evil advisers find themselves in a state of the greatest military force and preparation, and most likely to command and to receive a military support? In this point of view would it be argued, that these fortresses which were to become capable of resisting the siege of a foreign enemy landed in force, would serve as a sufficient strength in the hands of the Crown, when the enemy was his People? Would no stress be given to the great and important distinction, already ably urged, between troops elected and separated from their fellow citizens in garrisons and forts, and men living scattered and entangled in all the common duties and connections of their countrymen? Was this an argument of no weight when applied to the militia, who were to form a part of these garrisons; or would it, even for a moment, be pretended that men under such circumstances, and in such disciplined habits, were not a thousand times more likely to despise the breath of Parliament, and to lend themselves to the active purposes of tyranny and ambition, than the loose and unconnected bodies which exist even with jealousy under the present system?

It was unnecessary to press the distinction; the fact was, that these strong military holds, if maintained as they must be in peace, by full and disciplined garrisons; if well provided, and calculated to stand regular sieges, as the present plan professed, and if extended to all the objects to which the system must inevitably lead, whether they were to be considered as inducements to tempt a weak Prince to evil views, or as engines of power in case of an actual rupture, would in truth, promise tenfold the means of curbing and subduing the country, than could be stated to arise even from doubling the present military establishment; with this extraordinary aggravation attending the folly of consenting to such a system, that those very naval stores and magazines, the seed and sources of our future navies, the effectual preservation of which was the pretence for these unassailable fortresses, would in that case become a pledge and hostage in the hands of the Crown, which in a country circumstanced as this was, must insure an unconditional submission to the most extravagant claims which despotism could dictate.

What could possibly prove more fallacious than holding out expectations that a system of defence by fortifications could, in fact, end in a retrenchment of the standing army! The first fallacy in this argument stood forward in the supposition that the system of defence by fortifications was necessarily to stop, when Portsmouth and Plymouth should become secured, and that the reasoning upon which the extensive works for those places were justified, would not apply to any other parts of the kingdom, however their importance called for defence, or their situation exposed them to attack. The shortest method of refuting this idea, was simply to suppose the same Board of Officers, acting under the same instructions, and deliberating under the same data, going a circuit round the coast of the kingdom, and directed to report upon the various places in their progress, and let any person fairly consider the suppositions under which they make their present Report, and then hesitate to confess that they must, of necessity, recommend a similar plan of defence proportioned to the importance of every place to which their attention was directed. It was superfluous to dwell upon the circumstances which no longer permitted us to consider Holland in future otherwise than as a province of France, or which rendered it equally reasonable to look with an eye of apprehension to the neighbouring coast belonging to the Emperor; because, the fact was evident that, in the case of this country being engaged in a war against a powerful confederacy, (upon the supposition of which alone the present scheme was recommended and justified) every motive

of prudence must compel us to direct an attention, as vigorous and vigilant to the eastern as to the southern coast of this country. It was not possible for the House to remain at a loss to discover various places which, with Chatham and Sheerness (where most extensive lines had actually been begun under the auspices of the noble Duke) must necessarily be provided for in the new system of protection; and for his own part, indeed, he could wish that any person would compute the stationary defence necessary for such places, in addition to the twenty-two thousand men demanded for Portsmouth and Plymouth, and allow likewise for any moving force in the country, and then decide what chance there was that this prolific system would terminate in a reduction of the standing army!

Concerning the probability of our being able to furnish men for the constant maintenance of these garrisons, he felt it requisite to observe that the argument had been, not a reference to our present peace establishment, but to the extent of the service during the most extravagant periods of the last war; which, in other words, was to hold out a notion that we might speedily again look to a time when we should become able to expend for the purpose of war fifteen millions of money in the course of a single year! At the very moment when the right honourable gentleman was holding out the reduction of our debt by a few hundred thousand pounds, as the triumph of his administration, and the corner stone of that pillar upon which his fame was to become emblazoned! But, even supposing this to be possible, and considering the reference to our establishment in the last war as just, the right honourable gentleman had taken an unfair advantage of the argument; for when he stated the numerous armies which we had upon the continent of America, as resources from which we were in future to garrison these forts, and increase our home defence, he ought also to have taken into his account the enormous floating establishment which attended upon those armies, and which being converted into an efficient naval defence at home, would make both his fortifications and his garrisons unnecessary.

To the attack which the right honourable gentleman (Mr. Pitt) had chosen to make upon the late Administration, he should beg leave to answer that, in whatever point of view he was, that day, to regard the right honourable gentleman, whether as that glorious orb which an honourable gentleman (Mr. Luttrell) had described him to be, whose influence and power was more than to compensate to the nation for the loss of an hemisphere; or whether his lustre was calculated rather to dazzle and surprise, than to cherish and invigorate; whether he merited the less complimentary language

guage of his right honourable friend (Colonel Barré) who observed, that his conscience had been surprised in this business; or whether he had capitulated upon regular approaches; whether he had been successful in repelling the insinuation of another gentleman, that he was not in earnest in this cause, by the vehemence of his manner, or had confirmed it by the weakness of his argument; whether the right honourable gentleman most deserved the praises or the reproach which he had received, he would not embarrass himself by pretending to determine; but only observe, that one part of his conduct had most astonishingly escaped the panegyric of his friends—he meant the spirit and enterprize with which, taking his hint probably from the subject in debate, he had endeavoured to carry the war into the enemy's country, and pursue measures of offence and attack, while every pass at home was left unfortified and defenceless.

For what was the ground of this strenuous charge? The late Administration (as the right honourable gentleman asserted) had submitted part of this very plan to the judgement of Parliament, but at the desire of the House withdrew that part for reconsideration; and now, if, upon reconsideration, they had in any respect altered their opinion, it was the grossest inconsistency of conduct and dereliction of principle!—an extraordinary charge, and particularly so from the gentleman by whom it was urged! He had reconsidered many subjects, without aspiring to the merit of an obstinate adherence to his first opinion. He had reconsidered his American intercourse bill, and had publicly avowed that he had parted with every idea which he once entertained upon that subject.—He had reconsidered his India bill, and before it was engrossed, had scarcely suffered one word to remain which belonged to it when it was brought in.—He had reconsidered his Irish resolutions, in every part, provision, and principle; and, having first offered them as a bounty to Ireland, he had reconsidered the boon, and annexed a price to it, and then reconsidered his own reconsideration, and abandoned his own indispensable condition! And yet this Minister, whose whole government had been one continued series of rash proposition, and ungraceful concession, held it out as a palpable enormity in others, that reconsideration should have produced alteration of sentiment, and that too upon a subject where the first opinion must have been taken upon credit, and the second was called for upon minute information and authentic inquiry. In the same excellent spirit of reconsideration, many honourable gentlemen round the Minister, who had formerly given a decided opinion against the fortifications, were now solicitous to argue in their favour. As an effectual defence of the conduct of the late Administration, he could prove, by referring

to the estimates and journals of 1783, that they had not the least occasion to resort to the justification of having changed their minds in consequence of better information; for the fact was, that they never had, even in the slightest degree, committed themselves in either any opinion or approbation whatever of the present plan.

Concerning the history of the rise and progress of fortifications in this island, upon which the right honourable gentleman had laid so much stress, as if he had proved, that what was not new, must be constitutional, and that the point which had been often tried, must be fit to be carried into execution; he should maintain, that every word urged on this subject made against the cause which it was brought to support; for experience, even by their own statement, convinced us of nothing but that the nation had invariably been deluded and defrauded upon this unprincipled plea of fortifications; that much had been done and undone, many schemes and many projectors tried; many millions spent, and the object avowedly as distant as ever! So that repeated proofs of past deception were all which they urged as arguments for present confidence; and it was modestly expected, that they would believe, that because a point had been always unsuccessfully attempted, it was now at last certain of being wisely accomplished.

The right honourable gentleman (Mr. Pitt) had chosen eagerly to dwell upon a pretended charge of inconsistency which he advanced against an honourable naval officer (Captain Macbride) and which, although the latter had omitted to reply to it, had no other foundation than the right honourable gentleman having thought proper to confound the opinion of the land officers with that of the sea officers. With respect to the Report itself, he was ready to admit, that those who had entrenched themselves in constitutional objections only, refusing to be bound by the advice and authority of any Board of General Officers or Engineers whatsoever upon such a subject, had taken strong and respectable ground; and that those also, who had argued the subject more with a reference to the state of the revenue of the country, and had seemed to consider the measure as adviseable, or otherwise, according as it should prove consistent with the necessary principles of œconomy, were undoubtedly intitled to every attention. For his own part, however, he did not go to the extreme of the reasoning used on either of these topics—every hour produced instances where practices highly dangerous by their precedent, and evidently infringing on the established rights of the subject, were resorted to, unavoidably perhaps, for the purpose of retrieving and maintaining that public credit, without which the affairs of this country were completely desperate.

The right honourable gentleman had pledged himself not to press this business, unless he could make it appear to be a measure not less essential to national safety than even the preservation of national credit. Upon this line of argument, the dangers to be apprehended to the Constitution, which were stated as eventual and remote, must, of course, give way, and the point of œconomy was wholly out of the question.

The right honourable gentleman had also contended, that the decision of a Board specially appointed for this inquiry, and consisting of persons eminently qualified for the judgment expected from them, was the best authority which the country could obtain on the subject, and afforded a surer guide for the opinion and conduct of that House, than either the arguments or the information of its individual members could supply. To this he had already assented, and now repeated his assent; nor did he hesitate to renew the pledge to which the right honourable gentleman had appeared so anxious to fix him, that he, for his own part, mindful of the terms upon which the question was suspended at the close of the last session; he would rest contented to abide by the decision of a Board so described, and to withdraw his objections to the plan, if it could be fairly made appear that these gentlemen, (whose names and characters he freely admitted did intitle them to the confidence which was claimed for them) upon a full investigation of the whole of the subject proposed last year in Parliament to be submitted to their inquiry, and being left to their own free and unfettered judgement in forming their decision—had reported, as their decided and unqualified opinion, that the plan proposed by the noble Duke, and then under discussion, was a measure which it became the wisdom and prudence of Parliament to adopt. Upon this point they were at issue, and the Report in his hand was the only authority to which he should appeal, and the sole ground upon which he should argue.

Yet, previous to the last discussion of the matter of the Report, he could not omit to take notice of many circumstances attending the manner of its formation. Far from meaning to reflect upon the Officers who composed the Board, he must beg leave to support the complaint which had been urged by the right honourable gentleman (Colonel Barré) who first suggested this reference, that, in violation of the confidence reposed in Ministers, they had not referred the question of a system for the general defence of the country to the Board, giving them due time and materials for forming their opinion upon the great and extensive subject, but had merely required from them a short answer relative to two points of attack under certain data of their own imposing.

Many

Many powerful, perhaps unanswerable, objections had been made against the appointment of the noble Duke to be President of the Board. Some honourable gentlemen had alluded to peculiar circumstances of the noble Duke's personal character; he had been described as a man who was never known to give up a point; but whether this was the case or not, or whether there was some principles of public profession, to which the noble Duke had not very rigorously adhered, he would not pretend to decide, as he might be suspected of speaking from party prejudices. There was one characteristic, however, of the noble Duke's mind, which he thought might be fairly mentioned, as it was a peculiarity which had been publicly brought forward in argument by high authority in that House; and if now referring to it, he were to represent that noble personage as of a temper eager to extravagance, and vehement in the extreme, if he were to describe him as a person who, having taken up a just principle, was capable of defeating all salutary proceeding upon it, by driving on with a heated imagination to the most flighty and preposterous conclusions, the right honourable gentleman opposite to him (the Chancellor of the Exchequer) would become his authority. He was the person who had led him and the House into that opinion, as must be in the recollection of every honourable gentleman, who, during a former session, heard that right honourable gentleman discuss the noble Duke's principles of parliamentary reform, and recollected the terms of indignant ridicule with which he had cautioned them against the schemes of so visionary a projector. If, therefore, he was arraigned for following any plan of the noble Duke's with a peculiar degree of jealousy, he should leave his justification in the abler hands of the right honourable gentleman.

Yet the noble Duke deserved the warmest panegyrics for the striking proofs which he had given of his genius as an engineer, which appeared even in the planning and constructing of the paper in his hand! The professional ability of the Master General shone as conspicuously there, as it could upon our coasts. He had made it an argument of posts, and conducted his reasoning upon principles of trigonometry, as well as logic. There were certain detached data, like advanced works, to keep the enemy at a distance from the main object in debate. Strong provisions covered the flanks of his assertions. His very queries were in case-ments. No impressions, therefore, was to be made on this fortress of sophistry, by desultory observations, and it was necessary to sit down before it, and assail it by regular approaches. It was fortunate, however, to observe, that

notwithstanding all the skill employed by the noble and literary Engineer, his mode of defence on paper was open to the same objection which had been urged against his other fortifications; that if his adversary got possession of one of his posts, it became strength against him, and the means of subduing the whole line of his argument.

The points which (Mr. Sheridan said) he should conceive that he had distinctly established from the authentic document before the House, notwithstanding the mutilated state in which it appeared, were—first, that not one word, hint, or suggestion on the part of the naval officers tending to give any approbation, either directly or by implication, to the scheme of fortification then in debate, was to be found in that paper, but that, on the contrary, from the manner in which a reference was made to the minutes of the naval officers, of which the result was withheld, a strong presumption might be grounded, wholly independent of the information which the House had received from members of that Board, that those minutes did contain a condemnation of the plan. He did not expect to hear it argued that the result of those minutes could not be communicated, because they were mixed with dangerous matters of intelligence; they had shewn a sufficient degree of ingenuity in the manner of having extracted them from the Report; and it would prove extraordinary indeed if wherever the judgment was unfavourable, it should have been so blended and complicated with matter of detail and dangerous discussion, that no chemical process in the ordnance laboratory could possibly separate them; while, on the contrary, every approving opinion, like a light subtle oily fluid, floated at the top at once, and the clumsiest clerk was capable of presenting it to the House, pure and untinged by a single particle of the argument or information upon which it was produced.

In the second place, he should contend that the opinion given by the land officers in favour of the plan, was hypothetical and conditional: and that they had unanimously and invariably, throughout the whole business, refused to lend their authority to, or to make themselves responsible for, the data or suppositions upon which that opinion was to be maintained. This circumstance deserved the more particular attention of the House, because the Report had been so artfully managed, as in many points to appear to support a right honourable gentleman (the Chancellor of the Exchequer) in a contrary assertion.

Next, he regarded himself as unanswerably justified in concluding that the data themselves were founded upon a supposition of events so improbable and desperate, that the
existence

existence of the case contained in them, carried with it not the imminent danger of Portsmouth and Plymouth only, but the actual conquest of the island. Upon this occasion, he did not think much detail of argument was necessary, after he had, at least in his opinion, irrefragably established, that the case alluded to, in the words often recurred to—"under the circumstance of the data,"—was literally this, "The absence of the whole British fleet for the space of three months, while an army of thirty or forty thousand men was ready on the enemy's coast to invade this country, that enemy to chuse their point of landing, to land and encamp with heavy artillery, and every necessary for a siege, while no force in Great Britain could be collected in less than two months to oppose them." By no means could he admit as a fact that, even taking it for granted that the enemy should decide to assault no part but Portsmouth and Plymouth, he should, with most polite hostility, scorn to strike a blow at the heart of the empire, but in the courtly spirit of a French duellist, should aim only to wound in the sword-arm; yet even under this idea, must he deny that these only objects provided for, could be said to be effectually secured. For, first, it was not made out that the enemy might not either land or march to the eastward of Plymouth, where no defence was pretended; and, secondly, the whole question turning upon a supposition of our being inferior at sea, in that case a presumption of the safe return of the inferior fleet and its beating the superior fleet, was the sole resource for the relief of the besieged dock yards, the defence of which was expressly stated in the Report, to be calculated only as against the force, and for the time expressed in the data; so that the enemy having it obviously in his power, while master of the sea, to recruit his own army, as well as to keep the other exposed parts of this kingdom in check and alarm, and thereby to prevent the possibility of our assembling and uniting a force sufficient to raise the siege, it followed that if either the enemy's army exceeded the number supposed, or that the time was prolonged beyond the period calculated, the whole of this effectual security vanished under their own reasoning, and we should merely have prepared a strong hold in the country for our foe, a hold which the circumstances under which he was supposed to make the attack, would enable him for ever to retain.

Mr. Sheridan now proceeding to his remarks concerning the distinction which had during the debate been taken relative to the different persons who were supposed to form the opposition to the present plan, said that he had heard the old insinuations of party views resorted to by those who

defended

defended the original motion; and some honourable gentlemen who most strenuously opposed it, had, however, in a kind of language which he could not avoid taking notice of, disavowed any party feeling or connection with the party in question. With respect to himself, he was happy that the business had worn so little the appearance of party as it had; and although he had moved for and obtained the Report, which had been so much discussed, and upon which so much had turned, he had proved himself ready and anxious (as the persons alluded to well knew) to resign the business into the hands of the respectable gentleman who had upon that day so ably brought it forward. He could never, for one, submit to the imputation, that the party with whom he had the honour to act were supporting or opposing any measure upon motives less just, less fair, or less honourable than those which influenced any other description of gentlemen in that House. The present question could not even be pretended to be pursued with party policy, as there was not a person in the House who could avoid confessing that party purposes would be better gratified by entangling the right honourable gentleman in the pursuit of this obnoxious and unpopular scheme; but the gentleman who had upon that day led the opposition to it, had been so wished to take such a lead, because it appeared among the most effectual means of warding off an injury from the country; otherwise to be enlisting under leaders for the day, or courting the temporary assistance of any description of gentlemen, would, in his opinion, prove a conduct as impolitic as undignified. On the other hand, to recede from any important contest, because gentlemen unconnected with them were likely to have the credit of the event, would deservedly cast on them the reproach of being a faction and nor a party. But this was not their conduct; they could defend their situation upon system and principle; however reduced their ranks, they were more desirous to prove they were in the right than to increase their numbers. He was confident, however, that the gentlemen to whom he might be supposed to allude, were too liberal to set a less value upon their support that day because it was unaccompanied by adulation, or any endeavour to canvass for their future connection. Let us (added Mr. Sheridan) upon this night be firmly embodied in a cause we equally approve. Let us do this great service to the country; then separate, and seek opposing camps. Let them return with the double triumph, if they will, of having conferred an important benefit on their constituents and the nation, and a real obligation on the Government. Let them have the credit with the country of having defeated the Minister's measure, and the merit

with

with his friends, of having rescued him from a perilous dilemma. Leave us only the silent satisfaction that, without envying the reputation of those whom we were content to follow, without being piqued by insinuations against our motives, and without debating whether the Minister might not be served by our success, we gave an earnest and zealous assistance in defeating a measure, which, under the specious pretence of securing our coasts, strikes at the root of our great national defence, and at the heart of the constitution itself.

Mr. Fox remarked, his honourable friend had gone so fully Mr. Fox. into the whole of his subject, and had argued it so closely, that it was unnecessary for him to take up much of the time of the House. He would therefore speak only to a few points, so personal to himself, that the House, as he conceived, would think it highly necessary for him to take some notice of them. The right honourable gentleman (Mr. Pitt) had pretty strongly insinuated that the system of fortification, now in contemplation, was a part of that identical system which he (Mr. Fox) had, when in office, proposed to the House. This was not by any means a correct representation of the fact; for, in truth, he never had proposed any plan of fortification whatsoever; but in the ordnance estimates of the year 1783, a specific sum was asked for the purpose of going on with Fort Monkton, and another small fort which had been begun; yet, a demur arising upon the subject, he had agreed in the Committee to take the two charges out of the estimate, and reserve them for future consideration; and the remaining part of the estimate was voted without them. In his opinion, a right honourable gentleman (Colonel Barré) had well said, that it was not by fortifying Portsmouth and Plymouth merely, that we were to look for a defence of the kingdom from either invasion or dangerous attacks; because, undoubtedly, there were other vulnerable parts of our coast which required attention as well as those proposed to be fortified. As to the late peace, some observations concerning which had given such offence to a right honourable gentleman (Colonel Barré) he should still deny that it had been either a *necessary*, or a *great and glorious* peace; and contend, that in the relative state of this kingdom, at the time, compared with the state of other powers, we had a right to expect a much more advantageous treaty. If, however, we had been great and glorious, those who remained in office, and enjoyed a share in making it, had divided the rewards of it in a manner singularly striking. For themselves they had taken places and emoluments, and left the person, who was supposed to have been the principal negotiator of it in full possession of all the encomiums which
the

the warmest of his panegyrist could bestow. But ease and praise were the true objects of genuine ambition. These they liberally bestowed upon the noble Marquis (Lansdown) these substantial recompences, these solid honours, have they nobly secured to him, in his favourite retirement, in his sequestered happiness, in rustic peace, and undisturbed repose. For themselves, on the contrary, have they not reserved all the cares, the anxieties, the fatigues, the solicitations, and the emoluments of office? Generous partition!—substantial fame for their patron; mere official reward for themselves! 'Tis the extreme of absurdity to imagine, on party considerations, that the carrying the proposed amendment can prove an object of the slightest estimation. Who can conceive that either I or my friends shall be one step nearer the acquisition of office or of power, whether the Duke of Richmond's fortification plan succeeds or fails? If defeating the Minister, even in points which he has unequivocally supported to the utmost of his power, could have served us in a party light, how came it that, notwithstanding the numerous defeats which he has endured, he continues unshaken, and even more firm than ever? Has the whole failure of the Irish propositions in the least affected him as a Minister? Did his shameful defeat in the question of the Westminster scrutiny either prejudice him, or serve me, in a ministerial light? Did his abandonment of the Manchester tax take an atom from his consequence? But, in fact, he is a Minister who thrives by defeat, and flourishes by disappointment. The country gentlemen oppose him upon one occasion, only to give him more strength upon another; he is beaten by them upon one subject, only to be assisted by them in a succeeding one; if he falls by the landed interest to-day, he is sure to rise by them to-morrow with added energy and recruited vigour.ⁿ In conclusion, he must beg leave (Mr. Fox said) to remind the House, that the right honourable gentleman had, as usual, availed himself of his machinery in his opening speech. He had drawn into his argument the American war, and the coalition. He was a little surprised that the poor India bill had escaped. Those topics, however, the right honourable gentleman might bring forward as often as he thought proper. No part of his conduct was he ashamed of; and although clamour, artfully raised, and industriously kept alive, might for a while put a false and injurious construction upon it, time would dissipate the cloud of prejudice, and convince all men how egregiously they had been duped and deluded. And here he should avow that he retained all his great party principles upon constitutional questions; and that it was this circumstance which formed the line between him and the right honourable gentleman. "I stand (said he) upon this great

great principle. I say that the people of England have a right to control the executive power, by the interference of their representatives in this House of Parliament. The right honourable gentleman maintains the contrary. He is the cause of our political enmity; to this I adhere; to this I pledge myself, and upon this ground I mean to vote for the amendment."

Lord *North* contended that the proposed system was reprehensible on the grounds of policy and economy; and that if every Master General of the Ordnance were to be indulged in constructing such plans of fortification as his caprice approved, there would be no end to the expence. What was began by one Board of Ordnance would be pulled down by another, and new works would become erected, which would again be pulled down by the next. It was therefore highly necessary to take up some determination with respect to the subject, and not continue to proceed upon so unsettled, so various, and so expensive a system. An honourable gentleman (Captain Berkeley) alluding to a noble Earl (of Sandwich) who, during a former administration, presided at the Board of Admiralty, had lately talked of the cursed management of the Navy during the late war; and to this honourable gentleman he should beg leave to answer, that although the American war was not by any means a subject which came within the purview of the original motion, or of the amendment, he should not have the smallest objection to meet the honourable gentleman upon that topic, whensoever he might think proper to bring it forward; when he did, howsoever he might differ from the opinion of many gentlemen on the other side of the House, (from some whom he saw opposite to him, he believed that he should not differ widely,) and howsoever he might even differ from his right honourable friend, and many honourable gentlemen who sat near him, he should contend and maintain that no loss had been imputable to any misconduct or mismanagement of his noble friend, who at that time sat at the head of the Admiralty Board, but that every ill success had arisen from the nature of the war, from the necessary division of our marine force, and from the powerful combination of marine strength with which Great Britain had to contend. In conclusion, Lord *North* declared that he should vote for the amendment.

Mr. *Dundas* answered, that it was with a view to meet the objections started by the noble Lord, that the system of fortifications then under consideration had been proposed. It was by the House's laying down a regular and permanent system that an end would be put to the expensive practice which had prevailed of indulging one Master General of the Ordnance with this plan, and another General with that, and so on; pulling

pulling down and abandoning as fast as fortifications were erected. Mr. Dundas contended, that a mode of defence which would give security to our dock yards, and preserve the vital sources of our Navy from the danger of being destroyed during any future war, was an object, in his mind, of so much value and importance, that 700,000*l.* or even a million of money, (as some honourable gentlemen had stated it) would prove a cheap price to pay for the purchase. The question was, would the House go to that expence for the attainment of an object so immediately connected with the future existence of our Navy, or would they avoid it? To such a question he should not imagine that any man in his senses, who was not misled by prejudice, could hesitate a moment to reply in the affirmative. He relied a good deal on the opinion of the Board of Officers, who, he must contend, had delivered it as their unanimous opinion, not only that such a system of fortification was absolutely necessary, but that it was the particular plan which could be erected at the smallest expence, and would require the fewest soldiers to man.

Mr. Wyndham.

Mr. Wyndham remarked, that, in his opinion, the right honourable gentleman (Mr. Dundas) who spoke last had argued the question fairly, and was the only advocate in favour of the proposed system, who had put it upon its right ground. The question shortly came to this point: A plan of fortification was proposed, and it must cost 700,000*l.* Would the House, or would they not agree to pay that price for it? Mr. Wyndham having so stated the matter in issue between the two sides of the House, added, that they would act unwisely and imprudently, were they to accept the bargain upon the terms proposed. Fortifications in general were insecure and dangerous means of defence, and of all others the most unfit for us to adopt. *Spem pro pretio emere, ridiculum est*, was an established maxim, but *detrimentum et periculum pro pretio emere, ridiculum est*, was still more undeniable, and therefore he should vote for the amendment, on the ground, that to pay 700,000*l.* for fortifications, would be to lavish so much of the public money, for the purchase of alarm and danger.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt remarked, that, notwithstanding his having trespassed, during such a length of time, upon the patience of the House, he flattered himself that, even at a very advanced hour, they would not refuse their wonted indulgence, especially after they had heard so much, to render a reply from him indispensably necessary. Upon this occasion, he must beg leave to contend, that the question was clearly a naval question, and that it had been made appear, in his mind, unanswerably, that if the plan were adopted, a smaller army establishment

establishment would become necessary than had hitherto been kept up. An honourable gentleman (Mr. Walwyn) as a new member, and evidently not much used to public speaking, was indeed excusable for having mentioned the report which he had heard; but that report was ill founded: he was, however, greatly hurt at finding such a report hazarded within those walls; and he had been still more astonished, when he heard something fall from a right honourable gentleman (Colonel Barré) whose infirmity he was extremely concerned to understand had forced him to withdraw, which looked like an insinuation darkly wrapped up under the words, *that his conscience had been surprized*, and which seemed to have been directly aimed at the same end. He had only to say, that he considered both the one and the other (if the meaning which he had assumed really belonged to them) as founded in the blackest malignity, and as highly injurious to his character. The Chancellor ended with repeating his assurances, that the proposed plan was intimately connected with the future welfare and propriety of the Navy; and that unless some such plan were soon adopted, the country and that House would have to lament, and to blame themselves for rejecting a measure so much to the national advantage, and on which the preservation of their liberties, and of the constitution itself depended!

The gallery was now cleared, and the House immediately divided on the motion, "that the words proposed to be left out stand as part of the question."

Tellers—For the Ayes, Mr. Steel, and Mr. M. A. Taylor; for the Noes, Lord Maitland, and Captain Macbride.

Ayes - - - 169

Noes - - - 169

The numbers being equal, the Speaker having remarked, that, under his inability to say any thing new upon a subject which had been already so thoroughly debated, and being too much exhausted by fatigue to enter largely into it then, even if he possessed talents enow to do it in a manner which would tend to throw any new light upon it, he would content himself with merely giving his vote against the original motion, and declaring that the Noes had carried the question.

Mr. Fox said, that the motions which his right honourable friend (Mr. Burke) was to have made on the preceding day, for papers relative to Mr. Hastings, could not be made before Wednesday; on which day they probably would be made by his right honourable friend, who was then prevented by illness from attending his duty in that House; a fortunate circumstance for the right honourable member (the Speaker) as it had given him an opportunity, which he otherwise

would not have had, of gaining immortal honour to himself, by his casting voice upon the subject of fortifications.

The following Members voted for the Duke of Richmond's Plan of Defending the Forts and Dock Yards of this Kingdom by Military Fortifications.

A.	Lord F. Campbell	B. Hammett
Lord Apsey	J. Campbell	A. Hood
R. P. Arden	Ilay Campbell	G. Hardinge
James Amyatt	D.	J. Hunter
John Aldridge	H. Duncombe	J. W. Heneage
H. Addington	Wm. Devaynes	Sir J. Henderson
T. Aubrey	L. Darell	P. Home
J. Aubrey	Lord Delaval	J.
J. W. Adeane	H. Drummond	C. Jenkinson
B.	Sir E. Dering	T. Johnes
R. W. Bootle	J. Dawes	P. Johnstone
F. Baring	H. Dalrymple	K.
J. Baring	A. Douglas	Sir L. Kenyon
John Buller	G. Douglas	T. Kempe
G. Berkeley	E.	John Kynaston
G. Bowyer	Earl of Euston	Sir C. Kent
J. Blackburne	E. J. Eliot	L.
H. Beaufoy	J. Eliot	E. Loveden
Ch. Boone	J. T. Ellis	Sir W. Lewes
C. Brandling	J. W. Egerton	Sir James Langham
G. B. Brudenell	S. Estwick	Sir E. Littleton
P. Bathurst	Sir A. Edmonstone	Lord G. Lenox
J. H. Brown	G. N. Edwards	James Luttrell
W. Bellingham	F.	C. Lefevre
E. Bearcroft	Sir Adam Ferguson	M.
N. Bayley	G.	Lord Mahon
A. Brodie	Marquis of Graham	James Macpherson
C.	Hon. W. W. Grenville	W. Macarmick
Sir R. Cotton	J. Grenville	R. Mackreth
Sir G. Collier	B. Gascoyne	H. W. Mortimer
W. Chaytor	James Gordon	R. S. Milnes
Hon. W. Cornwallis	R. Gamon	Thomas Masters
R. Colt	Philip Goldsworthy	Tho. Masters
John Calvert	H.	Sir C. Middleton
J. F. Cawthorne	J. J. Hamilton	W. Mainwaring
H. Cruger	Sir S. Hannay	Lord Mulgrave
F. C. Cuff	Lord Hinchinbrook	Lord Muncafter
J. Calvert	Sir H. Hoghton	W. Middleton
C. A. Crickitt	Lord Hood	P. Le Mesurier
J. Crutchley	Sir R. Hill	J. Macnamara
Earl of Courtown		P. Metcalf

G. Metcalf

Aedley	E. Philipps	T.
anners	J. J. Pratt	Earl of Tyrconnel
W. Manfell	C. Phipps	S. Thornton
Murray	D. Pulteney	R. Thornton
Moore	R. Penn	H. Thornton
James Macdowal	R. Preston	V.
Murray	R.	J. C. Villiers
of Mornington	C. W. B. Rouse	W.
Mawbey	Sir T. Rich	W. Waller
N.	George Rose	W. Wilberforce
ard Norton	D. Ryder	D. Watherstone
Nugent	E. Rushworth	B. Watfon
Leville	Sir C. F. Ratcliffe	J. Wilmot
O.	S.	W. Williams
Maldifston	W. Selwyn	W. Wemyss
P.	Sir Jam. Stuart Dent	S. Whitbread
Powney	J. Scott	N. W. Wraxall
Pitt	Sir R. Smith	J. Wilkes
hipps	J. Smith	Y.
M. Pitt	Sir C. Sykes	P. Yorke
ierse	J. Sutton	W. Young
Pennyman	G. Selwyn	Sir G. Yonge.
James Pulteney	S. Smith	
	Thomas Steele	} Tellers.
	M. A. Taylor	

And the following voted against the Plan :

C. W. CORNWALL, Speaker.

A.	H. Bridgeman	P. Crespigny
nnelley	R. Benyon	E. Cotsford
St. Aubyn	L. E. Bentinck	H. S. Conway
s Adams	Sir H. Bridgeman	W. Conway
Amcotts	Visc. Beauchamp	F. Charteris
P. Acourt	W. H. Bouverie	Sir W. Cunynghame
Adam	C.	D.
astruther	W. Colhoun	W. Drake, jun.
B.	J. Crewe	J. Dawkins
urton	J. Call	Hon. G. Damer
. Bassett	Edward Coke	Visc. Duncannon
A. Boscawen	J. Cleaveland	P. Delme
Bastard	Sir G. Cooper	W. Dickinson
. Bampfylde	Sir W. Coddington	C. Dempster
Browne	P. A. Curzon	Sir Tho. Dundas
ankes	J. Cotts	E.
nd, jun.	H. Cecil	Hon. Rd. Edgecumbe
illock	D. P. Coke	Sir J. Eden
rgoynne	J. Courtenay	W. Ewer

W. Ellis

W. Ellis	M. Loyde	R.
Sir J. Erskine	R. Lasbrooke	P. Rashley
W. Evelyn	J. Lowther	J. Rolle
F.	Lord Lisburne	Sir W. Rawlinson
R. Fitzpatrick	M.	C. Robinson
T. Fane	Sir W. Molesworth	J. Rooke
H. Fane	J. Mortlock	Sir M. W. Ridley
H. Fenton	— Mitford	Sir J. Rouse
P. Francis	Sir J. Morfhead	S.
Sir J. Frederick	E. Mundy	Earl of Surry
Chas. James Fox	James Martin	C. Stewart
J. Fitzherbert	Sir J. Miller	T. Scott
T. F. Freeman	Lord Middleton	W. C. Sloper
E. Foley	E. Morant	J. Stanley
G.	C. Marfham	J. Sawbridge
W. Grinfon	F. Montague	Lord Chas. Spencer
J. Grigby	C. Meadows	Lord R. Spencer
J. B. Garforth	A. Moysey	R. B. Sheridan
C. Greville	E. Monckton	S. Salt
J. L. Gower	Sir H. Mackworth	J. Stewart
A. Goddard	N.	R. Skene
H.	N. Newnham	T.
J. Hunt	D. North	J. Tempest
D. Howell	W. Norton	R. Thistlethwayte
A. Holdsworth	J. Nichols	C. Taylor
J. Hare	C. Norton	Sir J. Thorold
F. Honywood	G. A. North	G. W. Thomas
W. Hufley	J. Nesbit	J. Townshend
I.	R. Nicholas	V.
Lord Inchiquin	O.	G. Vanfittart
J. C. Jervoise	J. Ord	R. Vyner
Sir J. Jervis	W. M. Owen	General Vaughan
G. Jennings	P.	Sir G. W. Vanneck
K.	Sir P. Parker	W.
R. Kinmill	W. Praed	W. Wrightson
K. P. Knight	Sir R. Palk	W. Weddell
L.	J. Purling	J. Webb
Sir W. Lemon	W. Plomer	J. Walwyn
J. Lambton	Lord Penrhyn	H. Walpole
W. Lawrence	F. Page	W. Wyndham
B. Leithieulier	J. Pelham	J. Whitmore
L. Ladlow	H. Pelham	Lord Westcote
J. Lister	C. Penruddock	Sir W. W. Wynne
D. Long	J. G. Phillips	
E. Leeds		

Lord Maitland
Captain Macbride

} Tellers.

the following papers are so indispensably requisite for the elucidation of various parts of the preceding debate, that we flatter ourselves our readers will favourably accept a respectful mark of attention, which will save them the trouble of references in any other quarter.

MY LORD,

Whitehall, 8th April, 1785.

I HAVE the honour to transmit to your Grace a copy of a circular letter written to the several officers named *, who, together with naval officers, have been appointed, by the King's command, to compose a Board for investigating, and reporting to His Majesty on the proper system of defence, and the expediency and efficacy of the plans which have been proposed for better securing His Majesty's dock yards at Portsmouth and Plymouth; and His Majesty having thought proper to appoint your Grace to be President of the said Board, I am to signify to you his royal commands, that you do hold yourself in readiness for this service; and am to acquaint your Grace, that His Majesty's instructions will be transmitted to you as soon as possible.

I have the honour to be, my Lord,

Your Grace's most obedient, humble servant,

S Y D N E Y.

is Grace the Duke of Richmond,

&c. &c. &c.

C I R C U L A R L E T T E R.

(C O P Y .)

MY LORD, or SIR,

Whitehall, 8th April, 1785.

HIS Majesty having judged it of the utmost importance, that the most effectual means should be provided in time of peace, for rendering His Majesty's principal dock yards as secure as possible against any attempt upon them that may be expected in a future war, plans of permanent works for this purpose, for Portsmouth and Plymouth, have, by the King's commands, been laid before His Majesty by the Master Ge-

* General Duke of Richmond, General Conway, Gen. Lord Amherst, Gen. Lord Townshend, Lt. Gen. Sir G. Carleton, Lt. Gen. W. Draper, Lt. Gen. Sir W. Howe, Lt. Gen. L. G. Lenox, Gen. Sir R. Boyd, Lt. Gen. Burgoyne, Lt. Gen. Earl Percy, Lt. Gen. Earl Cornwallis, Lt. Gen. Sir D. Lindsay, Lt. Gen. Sir C. Eyre, M. Gen. Pattison, M. Gen. Cleaveland, M. Gen. Bramham, Gen. Green, M. Gen. Roy, M. Gen. Garth, M. Gen. Campbell.

neral of the Ordnance. But in a work of such magnitude and expence, so necessarily connected with the general system of defence for the kingdom, His Majesty, desirous of having the opinion of a Board composed of land and sea officers of experience and abilities, who should fully investigate the subject on the spot, has been pleased to appoint the officers before mentioned, with naval officers, who will receive their instructions from the Admiralty, to be members of this Board, for investigating and reporting to His Majesty on the proper system of defence, and the expediency and efficacy of the proposed plans for the better securing His Majesty's dock yards at Portsmouth and Plymouth.

And as the object of the inquiry peculiarly belongs to the office of the Master General of the Ordnance, His Majesty has been pleased to direct, that the Duke of Richmond shall be President of this Board.

His Grace is to give notice to the members of the time and place where they are to assemble, and is to appoint some intelligent officer to act as Secretary.

His Majesty, confiding in your zeal and talents for this service, has been pleased to appoint you a member of this Board; I am therefore commanded by His Majesty to direct you to hold yourself in readiness for this service.

His Majesty's instructions for your proceedings will be transmitted to the President. His Majesty has been pleased to direct, that an allowance of 40s. per day shall be made to you, and to each of the land officers, members of this Board, during the time you shall be employed on this service, and 20s. per day to the Secretary; as likewise an allowance of 2s. per mile to each member, and 1s. 6d. per mile to the Secretary, for such journeys as they may actually take in consequence of this order.

I have the honour to be, Sir,

Your most obedient, humble servant,

S Y D N E Y.

S I R,

Admiralty Office, 14th April, 1785.

THE King having been pleased to direct, that a Board of sea and land officers should be forthwith appointed (whereat the Duke of Richmond, Master General of the Ordnance, is to preside) for investigating the proper system of defence, porting upon the expediency and efficacy of the plans have been prepared for the better security of His dock yards at Portsmouth and Plymouth, for formation: and the Lords Commissioners of ing in consequence judged fit that you, several flag officers and captains of the

fleet*, who have been duly apprized of their Lordships' intentions herein, should be selected for the sea officers, whereof that part of the Board to be assembled at Portsmouth, for such special purpose, is to be composed: I am therefore directed to signify their Lordships' desire, that you will hold yourself in readiness to attend the Duke of Richmond, and other members of the Board, at Portsmouth, when so required by his Grace, for the discussion of any maritime propositions incidental to this appointment; and to communicate your opinions, how far the same may appear more or less eligible to be adopted for the benefit of His Majesty's service; and otherwise to proceed in the premises as required by the King's instructions given to the Duke of Richmond, for His Majesty's information, accordingly.

But whereas some previous and more particular inspection of the coast and shores, to which the inquiries addressed to you and the other naval officers of the Board relate, may be necessary in the progress of your deliberations, you are permitted to take to your assistance therein such Captains of the guard ships, naval officers, pilots, or other resident persons having knowledge of the navigation of the ports and parts of the adjacent coasts and shores to be examined, as you shall think proper.

After the necessary inquiries have been terminated at Portsmouth, where your stay will be requisite for carrying on the service of the port, Admiral Pigot will be to proceed with the Board, as senior officer in the naval branch, on the similar investigation of the system of defence proposed for the dock yard at Plymouth.

And I am farther to inform you, that you and the other naval officers of the Board will be paid, for your travelling charges and subsistence, while you are employed on this service, such allowance, out of the contingencies of the Ordinance, as is to be made, by His Majesty's commands, to the respective officers of his land forces, nominated for the same occasion.

I am, Sir,

Your most obedient, humble servant,

PH^r. STEPHENS.

N. B. Admirals Montagu and Pigot being excused from the above service, on account of their indisposition, Vice Admiral Barrington was directed to proceed upon it in their stead, as senior officer in the naval branch.

* Admiral Pigot, V. Ad. Barrington, R. Ad. Lord Hood, Captains Hotham, Sir J. Jarvis, Bowyer, Macbride, Sir A. Hammond, James Luttrell.

INSTRUCTIONS GEORGE R.

Instructions for our right trusty and right entirely beloved cousin and counsellor Charles Duke of Richmond, Lenox, and Aubigny, Master General of our Ordnance, whom we have thought fit shall be President of a Board of Land and Sea Officers, appointed under our royal authority, to investigate, and report to us on the proper system of defence, and on the expediency and efficacy of the proposed plans for better securing our dock yards at Portsmouth and Plymouth. Given at our Court at St. James's, the thirteenth day of April 1785, in the twenty-fifth year of our reign.

UPON the receipt of these instructions, you are to give notice to the members named in the inclosed list, of the day on which they are to assemble at Portsmouth, and fix the hour and place where they are to meet.

As soon as seven of our said land officers, and five of our said sea officers are assembled, they are to proceed to business, and to adjourn from time to time as they shall see occasion.

You are to appoint some intelligent officer to act as secretary, who is regularly to enter in a book the proceedings of the Board.

In case of difference of opinion, the reasons for such difference are to be stated, either jointly or separately, and are to be signed by each member present.

The matters treated of, and the opinion of the members, are not to be divulged without our royal permission.

As the inquiries necessary to be made, to enable the Board to give a well-informed opinion on this important subject, must branch out into a variety of matter, we have directed that they should be arranged under separate heads; which have been accordingly prepared for this purpose, and are hereunto annexed. On these the Board are to report their opinion to us.

Under each head is added a set of more minute and detailed questions and observations. The answers which the Board will give to them, will form the basis of their more general conclusions. These questions, with the answers, as well as these instructions, the separate heads, and the Report, are to be entered in a book, containing the proceedings of the Board; which are also to be laid before us, that we may be able at any time to refer to the grounds on which their opinions have been formed.

If any other matter not contained under those heads or questions, should occur, and appear to the Board, to throw
more

more light on this subject, they will add it to their Report, with any farther observations they may think proper to submit to our consideration.

The first part of the subject referred to the investigation of the Board is, in general terms, the proper system of defence for Portsmouth and Plymouth; which will naturally lead them to consider, whether a system of naval defence alone; a system of land defence, from troops alone; or a system of naval and land defence combined, can be relied on for the protection of the dock yards of Portsmouth and Plymouth; or whether fortifications are necessary: if they are, the second part of the subject referred to this Board, viz. the expediency and efficacy of the proposed plans, will next require their attention.

But before they can agree on any system of defence, it will be necessary for them to agree on the nature and extent of the attack against which it is to be calculated, and on the circumstances to which the kingdom may be reduced by the events of war, when called upon to defend its dock yards.

Notes.—(Then follow six data, stating circumstances that may prevent the fleet from affording effectual protection to the dock yards, the force of the enemy against which it may be prudent to guard, the number and sort of troops that may be had for the defence of these places, and the time it may require to collect the strength of the country from other parts of the kingdom. These six data are omitted, because the matter they contain is not proper to be divulged; and because the Board established two new data in place of the two first; and considerably varied two of the others.)

The Board will vary or add to these data as they shall see occasion.

The heads and questions under them will best explain the manner in which the Board is to proceed in applying these data.

We have ordered that such naval assistance as may be wanted at the Ports shall be given; and that such engineers and artillery officers as the Board may wish to examine, shall attend them; they will also have the proper plans and surveys laid before them.

It will be necessary for the naval officers to examine the stores, as well as for the land officers to study the country, which must undoubtedly take up time; but we hope that the Board will be able to make their Report by the first week in June.

neral Burgoyne and Earl Percy, is in substance contained in their proviso, under another head herein-after stated at full length; but the particular reasons contained in the dissent of Lieutenant-generals Burgoyne and Earl Percy, are for the same reason omitted.

The fifth datum, agreed to unanimously by the land officers, ascertaining the time that it may require before the strength of the country can be collected from other parts of the kingdom in such force as to defeat such an attempt as is supposed, is for the same reason omitted.

Your Majesty's Land Officers at Portsmouth and Plymouth are unanimously of opinion, that such is the situation of the present works, that no finishing, repairs, or improvements, without additional works, can, under the circumstances of the data, afford that degree of security to the dock yards,—(for the time mentioned in the preceding datum) as may enable Your Majesty to employ your whole fleet, if necessary, on foreign service.

Note.—All the details relative to the insufficiency of the present fortifications, unanimously agreed to by the Land Officers, are omitted.

Your Majesty's Land Officers, both at Portsmouth and Plymouth, are unanimously of opinion, that a system of detached forts is the most proper for the purpose of protecting the dock yards.

Your Majesty's Land Officers, both at Portsmouth and Plymouth, are unanimously of opinion, that the system of detached works, as proposed, has, in the extensive situations of Portsmouth and Plymouth, this advantage, that the security to be derived therefrom will not be wholly delayed till the whole of the proposed plan is executed, but an additional degree of strength will be acquired as the detached works are progressively finished.

Your Majesty's Land Officers, both at Portsmouth and Plymouth, are unanimously of opinion, that the situations of the several places therein specified, are well chosen for detached works.

Your Majesty's Land Officers at Portsmouth and Plymouth, are unanimously of opinion, that the new works proposed are well adapted to those situations.

Note.—The detail of the peculiar advantages of these works, unanimously agreed to by the Land Officers, is omitted.

Your Majesty's Land Officers at Plymouth are unanimously of opinion, that the distance of the situation proposed, in lieu of Merrifield, from the dock, appears too great

great for the circumstances of the data; and would, if fortified, require a greater garrison and greater expence, and would not afford the same security to the dock yard as Merrifield, and therefore the land officers must give the preference to Merrifield.

Your Majesty's Land Officers at Portsmouth are unanimously of opinion, that the proposed finishing for works already begun, the improvements to old ones, and the plan for re-building South-Sea Castle, will, together with the new works proposed, give a reasonable degree of security for Your Majesty's dock yard at Portsmouth, for the time and under the circumstances of the data, with a garrison of the numbers before specified (regulars and militia) which the land officers are of opinion is sufficient for its defence; whereas the present works, even when repaired, finished, and improved, would require a larger force for their defence, with which they would still be ineffectual for the purpose of securing this dock yard.

Your Majesty's Land Officers at Plymouth are unanimously of opinion, that a garrison—(of the numbers before specified, regulars and militia) appears sufficient if the proposed new works and repair of old ones are executed; and that for the present works even when repaired, a much larger garrison would be ineffectual for the purpose of securing this dock yard.

Your Majesty's Land Officers having taken into consideration the whole situation of Plymouth, are unanimously of opinion, that the proposed new works, in addition to the old ones, when properly repaired, as suggested in our proceedings, (with a garrison of the numbers before specified, regulars and militia) will give a reasonable degree of security for Your Majesty's dock yard at Plymouth for the time and under the circumstances of the data.

Your Majesty's Land Officers, as far as they were respectively concerned at Portsmouth or Plymouth, do report to the Committee of Engineers at the Tower, which they have unanimously agreed to adopt, it appears, that the expence of the works proposed for securing Your Majesty's dock yards at Portsmouth and Plymouth, will be as follows:

Note.—This paper has been already delivered to the House.

Your Majesty's instructions under the 2d head, having required, what improvements or alterations, or what other system of defence the Board would suggest, the unanimous

neral Burgoyne and Earl Percy, is in substance contained in their proviso, under another head herein-after stated at full length; but the particular reasons contained in the dissent of Lieutenant-generals Burgoyne and Earl Percy, are for the same reason omitted.

The fifth datum, agreed to unanimously by the land officers, ascertaining the time that it may require before the strength of the country can be collected from other parts of the kingdom in such force as to defeat such an attempt as is supposed, is for the same reason omitted.

Your Majesty's Land Officers at Portsmouth and Plymouth are unanimously of opinion, that such is the situation of the present works, that no finishing, repairs, or improvements, without additional works, can, under the circumstances of the data, afford that degree of security to the dock yards,—(for the time mentioned in the preceding datum) as may enable Your Majesty to employ your whole fleet, if necessary, on foreign service.

Note.—All the details relative to the insufficiency of the present fortifications, unanimously agreed to by the Land Officers, are omitted.

Your Majesty's Land Officers, both at Portsmouth and Plymouth, are unanimously of opinion, that a system of detached forts is the most proper for the purpose of protecting the dock yards.

Your Majesty's Land Officers, both at Portsmouth and Plymouth, are unanimously of opinion, that the system of detached works, as proposed, has, in the extensive situations of Portsmouth and Plymouth, this advantage, that the security to be derived therefrom will not be wholly delayed till the whole of the proposed plan is executed, but an additional degree of strength will be acquired as the detached works are progressively finished.

Your Majesty's Land Officers, both at Portsmouth and Plymouth, are unanimously of opinion, that the situations of the several places therein specified, are well chosen for detached works.

Your Majesty's Land Officers at Portsmouth and Plymouth, are unanimously of opinion, that the new works proposed are well adapted to those situations.

Note.—The detail of the peculiar advantages of these works, unanimously agreed to by the Land Officers, is omitted.

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Your Majesty's Land Officers, as far as they were respectively concerned at Portsmouth or Plymouth, do report to the Committee of Engineers at the Tower, which they have unanimously agreed to adopt, it appears, that the expence of the works proposed for securing Your Majesty's dock yards at Portsmouth and Plymouth, will be as follows:

Note.—This paper has been already delivered to the House.

Your Majesty's instructions under the 2d head, having required, what improvements or alterations, or what other system of defence the Board would suggest, the unanimous

mous opinion of Your Majesty's Sea Officers is, that—(a certain number therein specified) of gun boats at Portsmouth and Plymouth, will form a great arm of defence against an invading enemy.

And Your Majesty's Land Officers entirely concur in this opinion with the Sea Officers, considering these gun boats as a great improvement in the defence of those places.

Your Majesty's Land and Sea Officers beg leave to recommend a set of signals to be established on the projecting head lands—(of certain parts of the coasts therein specified) with intelligent mariners to make them, as of essential advantage in conveying early intelligence of the approach of an enemy, and for the protection of commerce.

Your Majesty's Land and Sea Officers unanimously recommend—(an improvement in the supply of fresh water at Plymouth, if to be had at a reasonable expence).

The Board has no other improvement, or other system of defence, to suggest to Your Majesty.

Lastly, Your Majesty's Land and Sea Officers humbly beg leave to observe, that they make this Report to Your Majesty, in full confidence, that the providing an additional security to the dock yards at Portsmouth and Plymouth is in no respect inconsistent with the necessary exertions for the support of the navy; which they consider as the first object of attention for the safety and prosperity of the kingdom.

(Signed)

Richmond, Lenox, and Aubigny,

Sam. Barrington,

Guy Carleton,

Will. Howe,

Geo. H. Lenox,

John Burgoyne,

Percy,

Cornwallis,

David Lindsay,

Mark Millbanke,

Charles Grey,

James Pattison,

Sam. Cleaveland,

Tho. Graves,

Hood,

James Bramham,

William Green,

William Roy,

Geo. Garth,

William Hotham,

John Macbride,

John Jarvis,

Geo. Bowyer,

A. Snape Hammond,

James Luttrell.

Captain Macbride entered the following objection to the third datum, on the subject of the enemy's force against the Board thought it necessary to provide.

As to this datum, because it is founded upon a calculation of a large imaginary force. My idea of a descent to the probability of an armament that may possibly

bly consist of—(a certain force which he specifies) which I think sufficient to provide against.

To the question, What improvements or alterations, or what other system of defence the Board would suggest?

Lieutenant-general Burgoyne, and Earl Percy, Vice-admiral Millbanke, and Major-general Green, stated, that they had none to suggest under the circumstances of the data.

Rear-admiral Graves stated, that he had none to suggest under the excess of the data.

Vice-admiral Barrington, Rear-admiral Lord Hood, Captains Hotham, Bowyer, Sir Andrew Snape Hammond, and the honourable James Luttrell, stated, that they thought it more properly belonged to the Land Officers of this Board, than to them, as the minutes of their proceedings will shew, to enter into any system of defence or fortifications, except such parts as are intended for a defence against ships of war, and the proposals they have offered for gun boats.

Captain Macbride stated, that he had no farther improvements to suggest; but entered his objections to the proposed system of defence.

Note—Captain Macbride's objections are omitted, because they contain detailed descriptions of the coast-roads, currents, tides, and bottoms, and anchorage, by no means proper to be divulged. Captain Macbride concludes his objections with these words:

I am therefore of opinion that no new works are at present necessary to be erected at Plymouth.

(Signed)

John Macbride.

On the Board having declared it to be their unanimous opinion, that no member is precluded, by the data agreed to by the Board, from suggesting any other system of defence, on those or any other data, for the consideration of the Board, in answer to the question contained in the 23d head under His Majesty's instructions;

The following proviso was added:

But we do not think ourselves required, as individuals, by His Majesty's instructions, or any questions under them, to produce any other system, or other data.

(Signed)

S. Barrington,
J. Burgoyne,
Percy,
M. Millbanke,
Tho. Graves,

Will. Green,
Will. Hotham,
John Jarvis,
Geo. Bowyer.

COPY of an Estimate of the expence of fortifying His Majesty's Dock Yards at Portsmouth and Plymouth, by the Committee of Engineers at the Tower; annexed to the Report made to His Majesty by the Board of Land and Sea Officers, appointed, under His Majesty's Royal authority, to investigate and report to His Majesty on the proper system of defence, and on the expediency and efficacy of the proposed plans for better securing His Majesty's dock yards at Portsmouth and Plymouth.

For erecting new works on Portsea Island.

For six brick towers on the beach, between Cumberland Fort, and South-Sea Castle, 3300l.

For a pentagonal fort at Hilsa lines, 95,381l. 10s.

For two redoubts at Hilsa lines, 2640l.

Total for new works on Portsea islands, 101,321l. 10s.

For the purchase of land on Portsea island.

For the supposed value of land to be purchased for the fort at Hilsa lines, 2600l.

Total for new works, including the purchase of land on Portsea island, 103,921l. 10s.

For erecting new works on the Gosport side.

For a pentagonal fort proposed at Stokes bay, 135,970l. 13s. 11d.

For a pentagonal fort proposed near Frater lake, 111,278l. 11s. 8d.

Total for the new works on the Gosport side, 247,249l. 5s. 7d.

For the purchase of land on the Gosport side.

For the value of the land at Stokes bay and Fort Monckton, as set by the jury, 11,747l. 16s. 7½d.

For the supposed value of land to be purchased for the fort near Frater lake, 10,000l.

For the purchase of land at Gosport, 21,747l. 16s. 7½d.

Total for new works including the purchase of land at Portsmouth, 372,918l. 12s. 2½d.

For erecting new works on the Plymouth division.

For the proposed pentagonal fort on the heights of Maker, including advanced works, 119,588l. 5s. 5d.

For the proposed pentagonal fort on the heights of Merryfield, 101,964l.

Total for new works in the Plymouth division, 221,552l. 5s. 5d.

For the purchase of land in the Plymouth division.

For the value of land for the fort on the heights of Maker, as set by the jury, 13,945l. 7s. 6d.

A. 1786.

D E B A T E S.

24.

Fourth datum, can be spared for the defence of Portsmouth, consistently with the general defence of the kingdom.

(Signed)

J. Burgoyne,
Percy.

To which proviso the rest of the Land Officers, members of this Board, think it their duty to add:

That we the under written humbly desire that it may be understood by Your Majesty, that we never entertained an idea that any expence to be incurred should exceed such sums as the State could afford for these purposes, as we apprehend was fully stated in our second datum; or that we meant to recommend works requiring a greater number of troops to defend than could be spared for the defence of Portsmouth, consistently with the general defence of the kingdom.

On the contrary, the works we recommend appear to us to be calculated upon the most economical principles, and to require the smallest number of troops possible to answer the purpose of effectually securing Your Majesty's dock yards at Portsmouth and Plymouth. We conceive that such numbers can be spared for this purpose; we consider such protection to be an essential object for the safety of the State, and intimately connected with the general defence of the kingdom; but we do not consider it to be our province minutely to enter into a consideration of the abilities of the State to provide the necessary supplies for this purpose.

(Signed)

Richmond, Lenox, and Aubigny,	
Guy Carleton,	James Pattison,
William Howe,	Sam. Cleaveland,
Geo. H. Lenox,	James Braugham,
Cornwallis,	William Green,
David Lindsay,	William Roy,
Charles Grey,	George Garth,

R I C H M O N D, &c.
President of the Board of
Land and Sea Officers, &c.

COPY of an Estimate of the expence of fortifying His Majesty's Dock Yards at Portsmouth and Plymouth, by the Committee of Engineers at the Tower; annexed to the Report made to His Majesty by the Board of Land and Sea Officers, appointed, under His Majesty's Royal authority, to investigate and report to His Majesty on the proper system of defence, and on the expediency and efficacy of the proposed plans for better securing His Majesty's dock yards at Portsmouth and Plymouth.

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For the proposed pentagonal fort on the heights of Merryfield, 101,964l.

Total for new works in the Plymouth division, 221,552l. 5s. 5d.

For the purchase of land in the Plymouth division.

For the value of land for the fort on the heights of Maker, as set by the jury, 13,945l. 7s. 6d.

For

For the supposed value of the land for the fort on the heights of Merryfield, 14,000l.

Total for the purchase of land in the Plymouth division, 27,945l. 7s. 6d.

Total for new works including the purchase of land for Plymouth, 239,497l. 12s. 11d.

For the repair and improvement of the old works on Portsea island.

For Cumberland fort, with the additional alterations now proposed, 3444l. 17s.

For the repair and improvement of Lumps battery, 1971l. 19s. 7d.

For ditto—of Eastney battery, 3232l. os. 7d.

For the repair of the old works round the town of Portsmouth, 10,715l. 13s. 9d.

For completing the works round Portsmouth Common on the reduced plan, 26,929l. 17s. 0½d.

For taking down South-Sea Castle and building a square redoubt in lieu thereof, 10,080l. 8s.

Total for old works on Portsea island, 87,379l. 15s. 6½d.

For the repair and improvement of the old works on the Gosport side.

For repairs and additions to Block-house fort, 1054l. 19s.

For completing Fort Monckton, 32,457l. 12s. 3½d.

For completing the lines at Wevill and Priddy's Hard, 8248l. 3s.

Total for old works on the Gosport side, 41,760l. 14s. 3½d.

Total for old works at Portsmouth, 129,140l. 9s. 10½d.

For the repair and improvement of the old works at Plymouth.

For revetting the North Gloster and Second Devon redoubts, 5748l. 12s.

For repairing the citadel, 1955l. 3s. 11½d.

For repairing the battery on the Haut, 3l. 9s. 10d.

For ditto Eastern King, 4l. 8s. 4d.

For ditto Western King, 4l. 3s.

For ditto Passage Point, 2l. 8s.

For repairing the works on St. Nicholas island, 110l. os. 7d.

For repairing the lines round Plymouth-dock town, 694l. 1s. 9d.

Total for old works at Plymouth, 8522l. 7s. 5½d.

RICHMOND, &c.

GENERAL

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The fifth datum, agreed to unanimously by the land officers, ascertaining the time that it may require before the strength of the country can be collected from other parts of the kingdom in such force as to defeat such an attempt as is supposed, is for the same reason omitted.

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Your Majesty's Land Officers, both at Portsmouth and Plymouth, are unanimously of opinion, that the situations of the several places therein specified, are well chosen for detached works.

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Your Majesty's Land Officers, as far as they were respectively concerned at Portsmouth or Plymouth, do report to the Committee of Engineers at the Tower, which they have unanimously agreed to adopt, it appears, that the expence of the works proposed for securing Your Majesty's dock yards at Portsmouth and Plymouth, will be as follows:

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Your Majesty's instructions under the 23d head, having required, what improvements or alterations, or what other system of defence the Board would suggest, the unanimous

heavy expence to no manner of purpose. He saw in his list a great number of frigates and small ships set down to be repaired. The repairs of one were estimated at eleven thousand pounds, and of another at fifteen thousand. It would be much better to let them fall to pieces, put a few more thousands to each sum, and build good 74 gun ships in their place. How much superior was the merit of 74 gun ships over smaller sized vessels. He verily believed, that if the number of our ships were reduced one third, the navy of England would prove one third the stronger. But for the sake of increasing the patronage of the Minister, or of the Admiralty, the list of ships, and consequently of captains, was unnecessarily swelled to an enormous amount. He had heard that an officer (Commodore Johnstone) who had rapidly risen to high command, declared in that House, (before he had the honour to have a seat there) that a 60 gun ship and a frigate, or two or three frigates together, were an equal match for a French 74, or an 80 gun ship. He was astonished that no seaman, a member of that House, had given him an answer at the time. If that honourable gentleman, who might now more properly be styled an honourable Director than a Commodore, should ever again advance such a doctrine, and he should be present, he would assure the House that the honourable gentleman should not go without an answer. According to that honourable gentleman's doctrine, by the paper in his hand, he could make our matches for a small fleet of French 74 gun ships, by opposing small ships and frigates to them; but, agreeably to his own opinion, and he believed that most of his brother officers, who had seen much service, a very few French 74 gun ships would blow the whole list out of the water. He wished that the honourable Director had been present to hear what he thought and said upon the subject. That honourable gentleman had, however, been since favoured with an opportunity of reducing his theory to practice in Port Praya Bay, and therefore he would say no more upon the subject. The Captain then returned to his argument, to prove the folly of putting the nation to a heavy charge for repairing such ships as the list in his hand contained. There were among them several ships, known as bad ships, and not worth repairing. He instanced the *Asia* and *Solitaire*, and said, that if a war should take place, those ships and several others would be found to be of very little service. To what purpose was it then to repair such ships as would endanger the lives of the officers and seamen, many hundreds of whom had been sacrificed during the course of the last war, by being sent to sea in bad ships? Another thing against our navy was, that the French

74 gun

74 gun ships were 2000 tons burden, while our 74s had been reduced to 1600 tons. If the Admiralty would build 74 gun ships equal to those of the French, he was persuaded that the officers and men would do their duty, and the country would be well served. In a 64 gun ship the Commander who met a 74 was well off if he escaped capture. He particularly instanced the benefit of sailing with the lower tier out, and said, he saw an honourable friend of his whom he had often passed and envied last war, in consequence of observing him proudly carrying his lower tier out at the time that he dared not shew a single gun of that tier. In conclusion, he expressed his earnest wishes, that if conformably to his natural expectations he should not, during the continuance of the debate, become an ear-witness of unanswerable arguments in favour of a vote for the present estimate, and the habitude (in his idea, impolitic and dangerous) of repairing small-sized ships at an enormous expence, he should discover a firm intention amongst those entrusted with the management of the naval departments totally to give up the practice.

Mr. *Drake*, junior, desired to know whether the money received for the sale of the materials of old and condemned ships, and old stores, after the ships were broken up, had been brought to any account in favour of the Public? By the present estimates it appeared that the public were debtor to their amount, and therefore he wished to know how the credit side of the account stood, and he put the question then, as it was an acknowledged fact a vast number of ships had been broken up since the war ended. Mr. Drake

Mr. *Brett* assured the honourable gentleman, that the sums received for old materials and old stores were regularly paid over to the treasurer of the navy, and put by him to the account of the Public, and applied to naval services, in like manner as any other money which came into the hands of the treasurer of the navy was applied. Accounts of the monies received for old stores up to given periods have frequently been called for and laid upon the table; nor ever, upon this subject, had the most distant reservation been suffered to take place. Mr. Brett.

Captain *James Luttrell* desired his honourable friend (Captain Macbride) to recollect, that frigates and small ships were of essential use to this country, being principally employed for the purposes of commerce. Indeed it was scarcely possible to carry on commerce without them, not to mention the extreme difficulty of keeping a large convoy of merchantmen tolerably together at any rate; for indeed, without frigates it would be absolutely impossible to do it. There were other services for which frigates and small ships were peculiarly Captain James Luttrell.

adapted, and therefore while we had occasion for such ships, and we had a number of them, it would be madness not to keep them in repair and fit for service. He submitted it to his honourable friend's candour, whether it was not rather the province of the first Lord of the Admiralty than of that House to direct what classes of ships should be repaired and kept in order for service. The noble Lord now at the head of the Board was as correct a judge of the subject as any naval officer, and, in an equal degree, the statesman and the seaman. The country therefore might trust the management of the navy safely in his hands; and his honourable friend might rest assured that proper and useful ships only would be repaired and employed.

Captain
Macbride.

Captain *Macbride* answered, that, in his humble opinion, no arguments which had fallen from his honourable friend who spoke last were sufficiently cogent to induce him to relinquish his position, that 74 gun ships were the sized ships we ought to build, and that it would be sounder policy to let most of those which were in the estimates this year, rot and tumble to pieces, than to lay out eleven thousand pounds on the repair of one, and fifteen thousand on that of another. He saw an honourable Baronet (Sir Charles Middleton) in his place, to whom he wished to address a few words; and these upon a different topic, though a topic relative to the navy. What he meant was, to learn if it was intended to persevere in the absurd system of suffering the ships to remain in their coppered bottoms during the whole of the peace? If that matter was intended, there would be no occasion to argue whether one sized ship or another should be built, for we should soon have no navy to send to sea. Mischievous were the effects of suffering the ships to remain coppered in still water. The copper corroded, and ate more into their bottoms than either worms or time. The consequence would be, that the instant ships which had long lain by were sent to sea, their bottoms would drop out, and thousands of brave seamen would perish in the ocean. It was a mistaken notion, that copper-bottomed ships did not get foul; they were as foul after laying by a time, as ships not sheathed with copper. The old custom was to take the ships into dock annually and triennially, and let them have their trimmings. When that practice was followed, our ships were kept in good order and condition; and if the coppered ships were not looked to, they would all be ruined. Admiral Barrington and he had together examined a coppered ship under repair, and that they found the bolts corroded and eaten away, notwithstanding the prevailing idea that they would not corrode. The evil to be dreaded from the neglect appeared to him of so serious a nature, that he thought, if something were not done immediately to prevent

it, an inquiry ought to be commenced in that House, and the facts which he had stated ascertained. The nation would then see its danger. The French had discovered the folly of the practice, and for some time left off sheathing their ships with copper. We ought to do the same, or at least to take off the copper when the ships were to lay long in still water, and put it down when the ships were wanted to be sent to sea. A ship might be sheathed with copper in a tide, and therefore no time would be lost. His remarks (whatever gentlemen who were not professional men might think) were of infinite importance. He hoped therefore that he should have an answer from the honourable gentleman opposite to him, and find that contractors had not entirely seized upon the understandings of official men, and filled them with such a whimsical and dangerous fondness for such idle and new-fangled schemes, as to occasion them to shut their eyes against the natural and alarming consequences of such proceedings.

Captain *Leveson Gower* said, that he must call to the recollection of his honourable friend that sheathing ships with copper was a new matter; that it had not been introduced above ten years; and that it was therefore as yet in experiment: but he did assure his honourable friend, that it was watched with the utmost caution, and its effects observed and guarded against with all possible attention.

Captain
Leveson
Gower.

Sir *Charles Middleton* trusted that the honourable gentleman (Captain Macbride) would give him full credit when he declared, that he had no interest whatever in the sheathing ships with copper; that it was customary when any proposal was offered, for it to come before the Navy Board, and with their approbation it was referred to the yards to know if it were practicable in the opinion of the workmen. It then came back to the Navy Board with the report of the proper officer, and it was afterwards sent to the Admiralty for their consideration, and if meeting with their approbation was acceded to, and put in execution. Had his honourable friend been so obliging as either to have called at the office, or to have favoured him with a private application, he should have felt the highest pleasure in communicating to him the general nature of such matters as fell under his immediate cognizance; but little did he expect that motives of delicacy and caution would not have prevented the agitation of the subject in the House; and he was sure that, under cooler recollection, his honourable friend would join issue with him in the opinion that discussions of this kind could not be publicly brought forward without manifest impropriety and danger.

Sir Charles
Middleton.

Captain *Littrell* remarked, that although the sentiments of his honourable friend were at variance with his ideas respect-

Captain
James L.
Littrell.

ing either fortifications or the size of ships to be repaired, their thoughts were congenial upon the subject of copper-bottomed ships. That matter was of most serious consequence; a question infinitely more important than the question of fortifications! The proposed fortification plan would have cost the nation 700,000*l.*, or at most a million; but should the mischiefs which his honourable friend had stated as likely to ensue, in consequence of suffering our navy to remain in their copper kettles, come down upon us, the expence would be many millions, and the whole navy of England stand exposed to ruin. It was therefore of the first importance that it should be inquired into, because what was the result? either the whole navy was safe and sound, or the complete reverse was the case. Let gentlemen weigh the matter a moment in their minds, and they would, he doubted not, be of opinion, that it ought to be a serious and immediate investigation in the proper quarter. He therefore coincided with his honourable friend; but thinking with him as he did, and willing as he should be to institute an inquiry, he would not agree to institute one in that House directly. He should advise that the matter be left to the executive government, and to that department to which it properly belonged, and he had not the smallest doubt of its receiving the most ample and zealous notice; but should the contrary happen, and the baneful absurdity of suffering the ships to continue in their copper kettles still prevail, he for his own part was determined either to introduce or second any motion which might ultimately bring the matter under the effectually-reforming consideration of the House.

Captain
Macbride.

Captain *Macbride* contended, that in his legislative capacity, and as one of the representatives of the People, he possessed the most indubitable right to say in his place what he had before thrown out; nor would he by any means admit that it was a fair answer to him, or to any other gentleman who agitated a matter so essentially interesting to the nation, as the future well-being and even the future existence of the navy, for any person in office, to refer them to office, or to say, "why did not you ask me in private?" The properest spot for the discussion of subjects of this nature was the House of Commons, in which he should not cease to examine them as frequently as opportunities might arise.

Mr. Drake.

Mr. *Drake* said, that he meant no disrespect to the honourable Baronet, for whom there was not a gentleman present who entertained a higher respect; but he must declare, that if such answers were to be given upon matters, so interesting in their nature, to gentlemen of that House, which was the tutelar guardian of the public purse, the true interpretation of the

the honourable Baronet's language was, "I, office; demand; you, the Public, pay."

Captain *Leveson Gower* observed, that the coppering ships was as yet an experiment, and that its effects were duly watched. To what his honourable friend (Captain *Macbride*) had said in preference of 74 gun ships to 64s, he must beg leave to declare, that the argument came rather oddly from his honourable friend, who last war commanded a 64 gun ship, and had been offered a 74, which he declined accepting.

Captain *Leveson Gower*.

Captain *Macbride* answered, that in vindication of the conduct which the honourable Captain had with truth imputed to him, he should beg leave to remind him, that his crew in the 64 were all men which he had recruited; as brave a set of hands as ever failed; they liked him, and he liked them, because he knew he could depend upon them. If he could have been permitted to have taken them with him into the 74 gun ship offered to him, he would gladly have accepted the ship; but not being favoured with this indulgence, he chose to remain in the 64 gun ship, on board of which were his old and gallant sailors.

Capt. *Macbride*.

Captain *Berkeley* remarked, that the quicksilver in his honourable friend's barometer was apt to rise rather too high when he got up to speak in that House, and generally reached extreme heat. He thought that it had got to that point then, in regard to what he said of copper-bottomed ships; and he dared take upon him to assert, that his honourable friend had not previously applied to office upon the subject, for if he had, he was persuaded that he would have met with an handsome reception, would have been heard with attention, and obtained every possible satisfaction afforded him. There was a matter in his mind exceedingly well worth attention, besides what his honourable friend had suggested, and this was the building of ships. We were not only in point of policy to build ships of the same size as those which constituted the navy of France, but we necessarily must build them so as to adapt them to the depth of water of our own harbours. For his part he wished extremely that the Navy Board, instead of trusting merely to the surveyors of the navy, would imitate the example of France, and grant premiums for the best drafts of men of war. He meant the best plans in point of size, tonnage, &c. &c. &c.; this would give the Board the advantage of all the ingenuity of the kingdom, as well as the judgement of the navy surveyors; and he heartily desired that some able contriver could shew how a 74 gun ship drawing no more water than a 64 could be built. If such a plan could be found, it would prove an essential national advantage. Indeed the construction of our ships in general

Captain *Berkeley*.

ought

ought to be more particularly attended to. He owed it to the valour of the same honourable gentleman, then in his eye, to whom he was indebted for his naval education, that he commanded at this time one of the finest ships in the British navy. That ship was a proof how much better the enemies ships were built than ours were; and also how much better the materials were. Nothing could give him more joy than to perceive that all the ships belonging to the fleet were at length brought into a state of equal excellence.

Mr. Hopkins.

Mr. Hopkins said that, among a great number of new ships, only two of the whole were 64 gun ships.

Mr. Sloper.

Mr. Sloper observed that, as it was on all hands agreed, that coppering the bottoms of ships was an experiment, he thought the experiment ought to be tried on a few ships only, and not on the whole navy at once.

The question was put and carried.

Mr. M. A. Taylor.

Mr. M. A. Taylor gave notice that he should on Tuesday next move for leave to bring in a bill, to extend an act of the last session, respecting Courts of Conscience, in order to make it general throughout England.

The House adjourned.

Thursday, 2d March.

Sir John Jarvis.

Sir John Jarvis, intreating the earnest attention of the House to what he described as a subject of the greatest importance, added, that it had been observed by an honourable gentleman, (Captain Macbride) during the debate of the preceding Wednesday, that 18,000l. 15,000l. and 11,000l. were expended upon ships, which after all, proved unserviceable. In this assertion, an honourable baronet (Sir C. Middleton) had attempted to correct him, but he believed that there was too much truth in it to admit of refutation. He did not mean to charge the Navy Board with any wilful neglect; but, perhaps, there were abuses which they could not correct and this, of the repair of old ships, most likely was one of them. With the leave of the House, he would state the method according to which the business had proceeded.—When the Navy Board wish to have a ship repaired, an order is sent to taste her and sound her bottom. She is then bored in several places, and if the augur brings out sound wood, she is marked S; if rotten, she is marked R. But, the masters, whose duty it is to perform this office, do not always attend their duty, and ships of great burden and force are tasted by the apprentices. Therefore, for want of due care in this respect, very great abuses are committed.

As one instance of fallacy, in the year 1775, or 1776, a ship which he had a natural regard for, (the Prince) was
tasted

tasted in this way, and ordered to be broken up. When the workmen came to strip her planks, she was discovered in a sound condition, and reported to be in a state capable of being refitted. Yet, notwithstanding, the Board ordered her to be broken up immediately; and a part of her hulk now lies at Plymouth.

Another instance, but of a direct contrary nature, and which corresponded exactly with Captain Macbride's assertion on the preceding Wednesday, happened within his knowledge. A ship was taken into dock to repair; but upon stripping her, she was found so rotten, that the master builder could not, as an honest man, proceed; he therefore reported her rotten state to the Board; he, nevertheless, was peremptorily ordered to go on: and the builder afterwards told him, that she cost more in repairs than would have built a new ship of the same force. These were objects of great importance, which ought to be carefully looked into, and corrected. Another subject of equal consequence impressed itself upon his mind, and that was the suffering the copper sheathing to remain on the ships, during their continuance in ordinary. He could assure the House, that if it was an idea that the copper preserved them in a state fit for immediate service, it was not only a most egregious mistake, but a very dangerous error; for the contrary was the fact, as the copper corroded the bolts in spite of every precaution. Of this truth, the French were so thoroughly convinced that immediately upon laying up their ships, they stripped off the copper sheathing. In submitting these weighty considerations to the House, he had barely fulfilled his duty; nor could he avoid adding how happy he should esteem himself could he have the honour of finding the majority of the House in a disposition congenial with his own, to root up and totally prevent the growth of evils so enormous and alarming.

Captain *Macbride* said that he considered the case of the *Capt. Macbride* Asia as not less deserving the attention of the House. Upon her return from India, she underwent a heavy and expensive repair, the amount of which might easily be found in the books: afterwards she made only one trip to Gibraltar, and now so large a sum as 18,000*l.* is again to be bestowed upon her;—surely this was bad policy, to call it no worse. His objection went only to ships of an avowedly bad character, to expend money upon the fruitless repairs of which were criminally to dissipate a portion of the public treasure.

Mr. *Bratt* observed it was usual after a ship had been tasted Mr. *Bratt* or bored in several places, that when she came to be stripped, she should be found worse. As to the particular instances alluded to by the last honourable Speaker but one, he was utterly

utterly unacquainted with them, and therefore could give no account respecting their nature. But he could by no means join the honourable Captain (Macbride) in his idea of throwing away all the 60 and 64 gun ships. There was an circumstance included in the idea of building our line of ships upon a large scale—Would the honourable gentleman please to recollect the depth of water in our harbours? That was one reason why we could not turn our attention entirely to large ships. Concerning the assertion, that we were not a match for the enemy last war, he believed the fact was, that we had taken several of the enemy's ships but they had taken a single one from us; and surely this did not manifest such an inferiority as was suggested.

**Capt.
Macbride.**

Captain *Macbride* answered, that he never had a desire to throw away all the smaller line of battle ships, but only of bad character. With regard to the depth of water in our ports, the objection was futile and frivolous to an eminent degree. Did we not dock the largest of the enemy's ships in our docks, and bring them into our ports? there then remain no reason for repairing old and unserviceable ships instead of building new ones which might add to the strength and vigour of our navy.

Mr. Hussey

Mr. *Hussey* observed, that at the moment when the House was going to vote away 14 or 16,000*l.* of the People's property, they had strong instances of flagrant abuses pointed out by two gallant officers, who were an honour to the country; and yet it had, during a former debate been urged that the Admiralty would grow jealous of investigating matters in that House. This was a doctrine which he never means admitted; and he hoped, that the gallant officer would persevere in his inquiry. The House, on a very late occasion had shewn that there was still some spirit and virtue in the nation—a great many gentlemen had the welfare of the country at heart; and all those would certainly join and support him. In his opinion the House was the proper place to canvass these abuses; and he trusted that no gentleman would be frightened from his duty—Let the House lay out its sums they chose upon the navy, but let it not be wasted upon idle projects when prudence required it for useful purposes.

**Captain
Macbride.**

Captain *Macbride* said, that he did not understand that there was at present any inquiry; and he hoped, from what had been dropped, that no necessity for it would arise; if it should, he pledged himself that he would not shrink from his duty.

**Captain
Bowyer.**

Captain *Bowyer* observed, that none of the instances of abuse described had come within his knowledge.—The resolution was then put by the Speaker and carried.

The House having next resolved itself into a Committee of the whole House, Mr. M. A. Taylor in the chair,

Mr. *Beaufoy* rose and said,

Mr. Taylor,

As I had the honour of presenting to the House the Report for the consideration of which they have now resolved themselves into a Committee, I must intreat their indulgence for a few moments, while I briefly describe the plan which the Resolutions contained in the Report are meant to recommend.

Mr. Beau-
foy.

In bringing forward this business, I have pleasure in contemplating the intimate connection it has with those important interests that have this day so strongly and so justly engaged the attention of the House, I mean the naval interests of this kingdom: and I have also pleasure in recollecting, that it is a business to which the members of the House have repeatedly shewn themselves favourably disposed; for in the two last sessions of Parliament, as well as in the present, they appointed a Committee expressly for the purpose of ascertaining the most effectual means of extending the fisheries of Great Britain.

It was in consequence of the inquiries of the Committee of the last year, that I was enabled to propose to the House a bill, which they did me the honour to approve, for removing the restraints which unwise and improvident laws had imposed on the progress of the fisheries on the northern and western coasts of the island.

It is in consequence of the inquiries of the Committee of the present year, that I am now enabled to propose what may be considered as the second part of the system—a plan for improving the fisheries in the eastern seas of the kingdom.—This desirable object the Report before you proposes to obtain, by transferring from foreigners to our own countrymen, from Dutchmen to Englishmen, the valuable fishery for turbot. It is in our *own seas* that all these fish are taken—it is to our *own markets* that almost all of them are brought; yet they are taken by Dutchmen; they are brought to market by Dutchmen; all the profits arising from the sale of the fish, all the advantages resulting from the encouragement of seamen and the maintenance of naval strength, all the benefits both public and private which the fishery affords, are at this time monopolized by the *Dutch*. Those advantages the Report upon your table proposes to transfer to the people of this kingdom.

The principle of the system is, that our *countrymen* should be preferred to *foreigners*; that *English fishermen* are intitled to some advantage in our *English market*; and that it is more to the interest of Britain to encourage her own fisheries,

reward the industry of *her own* people, to increase the number of her *own* seamen, and to add to her *own* naval strength, than it can be to encourage the fisheries, or reward the industry, or promote the naval strength of *Holland*, a country which is always a rival, and sometimes an enemy.

Before I proceed to move the different resolutions which I shall have the honour of submitting to the judgement of the Committee, perhaps, Sir, it may not be unnecessary, nor altogether uninteresting, briefly to describe the nature of the fishery to which these resolutions relate.

The turbot fishery begins about the latter end of the month of March, at which time the Dutch fishermen assemble on that part of the Dutch coast which lies a few leagues to the south of Scheveling; from thence as the warm weather approaches, the fish, in order to avoid the heats, retire farther and farther north. During the months of April and May they continue on the bank which is generally called the Broad Fourteens, and which runs nearly parallel to the coast of Holland from the latitude of Scheveling to a latitude considerably to the north of the Texel. Early in the month of June, the fish remove from the Broad Fourteens, to the banks that surround the small island of Hylingland which lies westward of Hamburg, off the river Elbe, but at a considerable distance at sea: there the fishery continues to the middle of the month of August, at which time it is over for the year.

Having thus described the times when, and the places where the turbot are caught, the next object of inquiry is the mode of taking them. At the beginning of the season the fish are caught with a sort of drag net, which is drawn along the banks, and which sweeps from the sand, the various species of flat fish which lie there, such as soles, plaice, thornback, and, among the rest, turbot; But when the season for the removal of the fish is arrived, and the turbots retire from the banks on the coasts of Holland to those in the neighbourhood of Hylingland, the depth of the water, and the unevenness of the ground render the use of the drag net wholly impracticable. The fishermen are then obliged to have recourse to the hook and line. The line that is employed for this purpose is not of the sort that is held by the hand, and that is furnished with a single hook; for the line employed in the turbot fishery is generally more than two miles in length, and is furnished with six or seven hundred hooks, which are placed at the distance of several yards from each other; so that when the line, as the vessel drives, is thrown into the water, and sinking by means of its leads, a considerable length of ground is occupied by the successive hooks. Besides the leads that are employed to sink the line, several anchors are fastened to it at different distances, in order to prevent its drawing with the tide.

side. The hooks, during one part of the season, are baited with the common smelt, and during the other with a fish that resembles the eel, except that its colour is different, and that its head is drawn out to a kind of bill, which, in shape, is like that of a bird, and from which it takes its name of gore-bill. Fortunately this fish is found in great abundance on the western coast of the island.

Thus it appears, that, at the first of the season, the turbot is taken only with nets, and at the latter end of it only with hooks; but during the middle part of the season, before the removal of the fish from the coast of Holland, both methods are in use.

Such, Sir, is the nature of a fishery which levies on this kingdom a large annual contribution for the maintenance of the naval strength of the Dutch.

To the *Dutch* that money is given that would support eight hundred seamen for the service of the British Government. — The *Dutch* are allowed to possess themselves of an employment that affords them a perfect knowledge of the navigation of our seas; and that in a future war would enable them to pilot the ships of their new ally to the very Thames itself.

To effect a transfer of this fishery from the Hollanders to our own countrymen, two expedients are proposed in the Report.

The one is a tax upon the tonnage of foreign vessels importing turbot into this kingdom:

The other is a small bounty, as an additional encouragement to our own people.

That either a tax or a prohibition on foreigners should be laid, cannot, I suppose, be doubted; but some doubts may possibly arise on the comparative advantage of the two modes of proceeding. For my own part, I should think the tax the preferable measure; because, while it equally insures to the British fishermen the possession of the trade, whenever they are prepared to take the whole upon themselves, it does not in the intermediate time exclude all other channels of supply.

The other expedient suggested by the Report is, as I observed, a bounty in favour of our fishermen.

In recommending a bounty, I am sensible that I advise a measure which ought on very few occasions to be adopted, since there are very few on which it can be justified. For this reason I am anxious that the present bounty, if approved by the Committee, shall be founded on such principles, and be circumscribed by such rules, as shall render its operation less expensive to the Public, yet more effectual to its end, than bounties have generally proved.

'That an attempt to ascertain the rules by which, on these occasions, the liberty of the Legislature ought to be governed, will not, I am persuaded, be considered as trivial and uninteresting, when the Committee recollect, that, in the course of the last year, no less a sum than 94,000*l.* was paid to one single fishery.

The first principle, generally speaking, which ought to be observed in the grant of a bounty, is, that the term of a grant should be limited. For, as the intention of the Legislature in giving the bounty is the encouragement of a trade, which, if once established, would afford a reasonable return on the capital employed, but in which the inexperience of the subject renders him unwilling to engage, the bounty, it is evident, like the cause from which it takes its rise, should be of temporary continuance.

Conformably to this maxim, I would beg leave to propose that the bounty on turbot should be limited to the term of five years. — A second principle of a judicious bounty is, that the sum granted by the Legislature should diminish gradually, rather than be all at once and suddenly withdrawn: for if the external supports on which a trade has been accustomed to lean should be abruptly removed, much violence to the interests of the trade must unavoidably ensue: whereas if the aid which is given by the Legislature is diminished by degrees, the trade will be brought naturally and easily to rest on its own bearings. I would, therefore, suggest the expedience of declaring, that, after the term of three years, the bounty on turbot shall begin to diminish, so that, in the course of the fourth year, not more than two thirds of the former annual sum shall be distributed; and that in the fifth year only one third shall be given; by which means the trade will be preserved from the danger of a fatal shock, when, at the end of the fifth year, the aid of Parliament shall wholly be withdrawn.

A third principle of a judicious bounty is, that the extent of the expence which it brings on the Public should, from the first, be clearly ascertained. The Public have a right to the means of comparing the value of the object to be obtained with the amount of the sum that must be given for obtaining it; for, otherwise, how can they be sure that they are not making an injudicious and improvident bargain. In pursuance of this maxim, I will take the liberty of proposing, that, during the three first years of the term, the bounty shall not exceed four thousand pounds per annum: that during the fourth year it shall not exceed three thousand pounds; and that during the fifth year it shall not exceed two thousand pounds.

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The last principle, with the mention of which I shall trouble the Committee, is, that the bounty should be given on the commodity produced, rather than on the instrument of its produce. I would say, for example, that a bounty for the encouragement of agriculture should be given on the corn, rather than on the plough; that a bounty for the establishment of a wearing manufacture should be granted on the cloth, rather than on the loom; and that a bounty for encouraging a new fishery should be given on the fish, rather than on the vessel; for, on this plan, the public expence cannot out-run the benefit received, and the bounty will operate as a reward to industry, not as a means of insuring idleness from loss.

Such are the principles on which, as far as I can judge, bounties in general should be granted; and, trusting to the hope that they will meet the approbation of the Committee, I should now move the several resolutions, were I not aware that the whole plan is open to one very obvious objection, which, before I proceed, it becomes me to obviate. The objection is, that, as during a part of the season the turbot is caught upon banks that are contiguous to Holland, the Dutch may perhaps exclude our fishermen from the trade by excluding them from the coast.

That the Dutch have this power cannot be disputed; but that they will think the exercise of it politic or safe I never can believe; for let them once establish, as a practical maxim, the opinion, that every nation has a right to exclude from its coasts all fishermen but its own, and what will become of the fishery which they themselves carry on for herrings not only upon our coasts, but almost in our very harbours? What will become of their pretensions, to consider Brassa Sound as the first, and Peterhead as the second, of their fishing stations? or on what ground will they claim the indulgence of following the fish upon our shores, from the north of Aberdeenshire to the southernmost parts of Suffolk? Will they hazard the loss of the fishery which first made them a people? Will they hazard this ancient source of their independence, this best support of their wealth and of their naval power? I cannot imagine that what they emphatically call their great fishery will thus be sacrificed to the preservation of a fishery of subordinate importance. Should this, however, be the case, their decision will be fortunate for Britain; for we shall then, in conjunction with the Irish, be possessed of little less than a monopoly of the herring trade; the Swedes, our only other rivals, not being likely, for reasons easily assigned, to maintain their competition long.

Upon these grounds I feel no hesitation in submitting to the Committee the different resolutions that are intended to
form

form the basis of the bill, which I hope I shall be permitted to offer to the House, confident that from such a bill one or other of two important advantages must certainly ensue—the acquisition of the valuable fishery for turbot, or the still greater acquisition of the Dutch fishery for herrings.

Hussey. Mr. *Hussey* having observed that no member of the House could possibly incline with a sincerer ardour than himself to the support of any plan devised for the improvement, vigour, and extension of our fisheries, added, that as the point in question was probably new to many honourable gentlemen, and certainly at present beyond the line of his experience, he could wish to know whether it would not answer better for the Chairman to report a progress, and request permission to sit again, in order that, during the space of two or three days, the resolutions might lie upon the table for the inspection of the members, who thus might prove enabled to give their votes upon the clearest and most decisive grounds? Unless this should prove the case, he must beg leave to intimate to the honourable gentleman his wishes that he would favour the House with a more ample and open explanation of his meaning and intentions. Could he ascertain that, as a natural consequence of bearing away a material portion of the fishing trade from the Dutch, London would become supplied in proper quantities with turbot? The allusion of the honourable gentleman to the 94,000*l.* bounties granted to the Greenland fisheries (pursuits of the first moment to this country!) was just and well timed. Would the honourable gentleman please to inform him through what means the London market would receive a sufficient supply of fish?

*Mr. Beau-
ry.*

Mr. *Beaufoy* answered:—The honourable gentleman complains of the novelty of the business submitted to your consideration, and insinuates a suspicion of an attempt, on my part, to take the Committee by surprise. Is then the honourable gentleman so little attentive to the proceedings of the House, as not to know that more than a fortnight has elapsed since they appointed a Committee to take into consideration the state of the British fisheries? or if he did know that such a Committee was appointed, why did he not attend their meetings, which were open to every member, and at which the most satisfactory evidence was given? or if this would have required more time than he chose to bestow upon the subject, why has he not read the two Reports which the Committee has made, and which are printed by the order of the House? With such opportunities of knowledge, the honourable gentleman's want of information is chargeable only on himself, and ought not to be pleaded as a bar to the progress of a business for which all but himself are perfectly prepared.

The

The honourable gentleman expresses his zeal for the Greenland fishery, and thinks that 94,000*l.* of the public money was last year wisely expended for its support. Far be it from me to suggest an idea in any degree adverse to a fishery that employs, in enterprizes of unusual hardihood, more than six thousand of our seamen; but allow me to observe, that, on the lowest computation, every seaman so employed brings on the Public, in consequence of the bounty, an expence of no less than 13*l.* 10*s.* per annum; whereas the seamen that shall be employed in the fishery which is now proposed will not occasion to the Public a greater annual expence per man than 4*l.* 10*s.* at the most, and that only for the short period of five years.

Now if the former expence is not thought extravagant, the latter, which is comparatively small, cannot reasonably be censured.

I am asked by what means the Legislature will prevent a fraud so easily practised by the fishermen, as that of purchasing from the Dutch the turbot they have taken, and importing them as British caught? This question certainly merits an answer. Every fishery is obviously attended with two separate advantages; that of taking the fish, and that of bringing them to market. Now, certain it is, that, if Britain cannot secure both these advantages, the acquisition of one of the two will always be an object of importance.

Upon this occasion, however, I am persuaded that both will be found of very easy attainment. Among the different measures recommended in the Report which is now under your consideration, is that of bestowing premiums on the three vessels whose respective crews shall have caught, in the course of the season, the three greatest quantities of turbot; the consequence of which expedient will be, that the crew of each vessel will have an obvious interest in preventing the crew of any other vessel from purchasing turbot from the Dutch, as such purchasers would swell, by unfair means, the quantity of turbot apparently caught by the purchasers, and, if not discouraged, would deprive of their premium the vessels to which it would otherwise be paid.

Thus the crew of each vessel will have the strongest incitement to watch over the conduct of the crew of every other vessel; and as the fishery vessels carry on their business on the same banks, and in view of each other, there is reason to believe that this check will be effectual.

A second means of preventing the suggested fraud will be the requisition of an oath, before the receipt either of the premium or of the bounty, that the fish were British caught. Now, though an oath, generally speaking, is of little avail when the party taking it has an interest in swearing to a
falsehood,

falsehood, and no other person has an interest in detecting the perjury, yet where there is an interest that prompts to vigilance, and urges to detection, the security which the Public derives from an oath is far from being weak.

I must own, however, that it is chiefly to a third consideration of much greater force than either of those I have mentioned, that I am led to believe that the fraud of purchasing fish taken by the Dutch, and importing them as British caught, will not often be committed. The consideration is, that in all cases of fair competition between the English and the Dutch, the former have constantly obtained a clear and acknowledged superiority. Not many years have elapsed since the Dutch had no less than one hundred and sixty vessels in the fishery to the Greenland seas; but now, and the recital of the fact fills me with exultation, we have brought them down to sixty, while, in the very last year, Britain sent to that fishery no less than one hundred and fifty sail.

In the whale fishery to the southern seas Britain has obtained a still more decided ascendancy: from the coasts of Brazil, and the shores of Falkland's Islands, eastward to the Cape of Good Hope, a Dutch fishing vessel is scarcely to be found. The Americans themselves fail in the competition, and Britain possesses the fishery unrivalled, and almost alone. Even the Dutch fishery for herrings, the favourite object of their most vigorous pursuit, no longer maintains its rivalry with the English; for, in the last year, the Dutch employed but one hundred and thirty-three sail, while Scotland and Yarmouth, independently of the rest of the island, sent out two hundred and fifty vessels. With these facts in my view, I can never believe, that, in the fishery to which our present consultations relate, the slow and torpid industry of the Dutch will be more successful than the ardent spirit of enterprise and vigour of exertion which mark the proceedings of the English. I never can believe that they who, in every other pursuit, have given proof of unrivalled skill, will, in this, have any permanent temptation to employ such clumsy instruments as the Dutch. Unless, therefore, the honourable gentleman has better arguments to urge than those he has drawn from his own inattention to the business, and from the partial estimate he has formed of the activity of the Hollanders, I am not, I hope, presumptuous in thinking that the propriety of the motion before you, as tending to increase the wealth and promote the naval strength of the kingdom, is still unimpeached.

Mr. Ald.
Watson.

Mr. Alderman *Watson* remarked, that it greatly excited his surprise when he heard the honourable gentleman compare the *turbot* fishery to that of Greenland. It was like an attempt to trace affinity between the herring and the whale; and in
either

either case the simile would prove equally warrantable! At once extensive and important were the benefits and resources which the nation acquired from the Greenland fishery! A fishery which had preserved invincibly secure (what was within that House denominated) the wooden walls of England! Yet doubtless the proposed plan for taking the turbot fishery into our own possession was full of merit, and promised much to benefit the nation. Under this idea, he hoped that the bounties would be rendered general, and not impolitically narrowed.

Mr. *Beaufoy* again replied: — As far as I am able to judge *Mr. Beau-*
from what has passed in the debate, the objections of those *foy.*
who are the most hostile to the measures proposed are now reducible to a sort of apprehension that the people of this kingdom will not be willing to engage in the fishery for turbot; upon which apprehension is founded an argument, that, till the Legislature is satisfied as to this fact, it would be very impolitic to impose a restraint on the supply that is brought by foreigners.

In answer to this doubt, I am happy to have an opportunity of saying that the several owners of twelve different vessels belonging to Gravesend have sent me a written assurance that if the plan recommended in the Report shall be adopted by the Legislature, those vessels will immediately be sent on the fishery for turbot. Another assurance was also given me by a deputation from the fishermen of Harwich, that, from their town alone, six and twenty vessels would be sent on the turbot fishery. Now, if eight and thirty vessels are already preparing from those two places alone, exclusive of what may be expected from other parts of the kingdom, I cannot be much deceived in stating to the Committee that there is reasonable ground for believing that our own fishermen will be able to furnish the market with an abundant supply.

All, therefore, that is requested from the honourable gentleman who most objects to the plan, (if, on behalf of our poor fishermen, he will permit me to state the request) is, not that he will sacrifice a single dinner, or deprive himself of a single article of luxurious fare, but merely that, in laying out his money, he would have the goodness to prefer his countrymen to foreigners.

Since, then, there is no reason to doubt the abundance of the supply, the argument for delay falls wholly to the ground. On the other hand, the near approach of the turbot season strongly urges to dispatch; for, to those who are willing to engage in this fishery, the loss of a few days may prove the loss of the whole year: and allow me to add, that, at a time when more than a thousand smugglers on the eastern and southern coasts of the island are unemployed, who must, how-

ever, soon have recourse to some means of obtaining a livelihood, either consistent with, or destructive of, the interests of the revenue, it is material to furnish those men as speedily as possible with an occupation which, having in it something of chance and enterprise, corresponds, in a certain degree, with their ancient habits of life, and, at the same time, by enabling them to extend the naval strength of the country, entirely coincides with the best interests of Great Britain.

Mr. Rolle. Mr. Rolle said, that, anxious to preserve from every material injury the fishery established upon the coast of Devon, and facilitating the great supply for the London markets by land carriage, he could not avoid expressing his hearty wishes that some little time at least might elapse previous to the execution of the plan proposed in favour of the turbot fishery by the honourable gentleman.

The Marquis of Graham. The Marquis of *Graham* contended, that as the fishery would open during the course of this month, the scheme, unless directly adopted, would become lost for a year.

Mr. Ald. Sawbridge. Mr. Alderman *Sawbridge* observed, that the plan was too unexceptionable not to resist the general imbecility of the arguments which were advanced to overthrow it. The dread of losing a supply for the London markets had not the least foundation; because, were our people to fail, the Dutch would find it answer to pay the ten shillings a ton duty on the fish which they might bring, and raise the prices accordingly: nor need gentlemen, in either case, despair of sitting down to dine upon a turbot.

Sir John Jarvis. Sir *John Jarvis* declared, that, in his opinion, the scheme merited adoption for a variety of reasons. As much did he wish it full success as he disliked to observe Dutchmen, without either the aid or need of pilots, running up and down the Channel, into the Thames, and all our rivers. This was an habitude, of which the political circumstances of the country would justify a wish for its suppression.

The three several resolutions now passed.

The order of the day for the adjourned Committee, to which the petitions, praying a repeal of the act of the last session, granting to His Majesty certain duties on retail shops, had been referred for consideration, to sit again, having been read, Mr. Taylor took the chair; immediately after which,

Sir Watkin Lewes. Sir *Watkin Lewes* rose, and observed, that, having upon a former occasion intimated to the House his design of moving for a repeal of the shop tax, he should now take the liberty of intruding himself still farther upon their patience with a brief description of the motives inducing him to prosecute a task, which, however zealously he had the cause at heart, he could, with pleasure, consign to any of those numerous members whose influence and abilities were far superior to his

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own; yet, having the honour to be one of the representatives of the metropolis which was principally affected by this partial and oppressive tax, he should ill discharge his duty, or deserve the confidence of his constituents, were he not to exert the utmost of his abilities to relieve them from so heavy a burden. He conceived that the subject might be comprised in a very narrow compass; nor would he enter into any extraneous matter, but endeavour to compress his sentiments in as few words as possible. When he considered the arguments upon which the tax was supported during the last session of Parliament, that it would fall upon the consumer, the operation of which they had not then experienced, and when he recollected the testimony of the respectable persons who appeared at the bar, and proved to a demonstration that it operated as a personal tax, and that it could not be imposed upon the consumer, he entertained hopes that the gentlemen who were supporters of the tax before would become converts to his opinion. The right honourable gentleman (Mr. Pitt, the Chancellor of the Exchequer) had stated the tax as amounting to 140,000*l.*; but he did not think it right to take it at the highest calculation: he would, therefore, take it at 120,000*l.* That compared with the assessment on the table for three quarters of a year, amounted only to 55,000*l.*; adding another quarter, it would amount to 73,000*l.*, very little above half the sum which it was proposed to raise, taking the deduction of those persons paying rent from 1*l.* to 2*l.* per annum, who could not pay the parish rates, and were exempted. He should appeal to the right honourable gentleman, whether it was a tax which he ought to persevere in; for a more exceptionable tax he could not propose. Besides, when they considered that most of the great cities and towns throughout the kingdom petitioned against this tax, all declaring and bearing an uniform testimony, that it would operate as a personal tax, and would not be imposed on the consumer, what members who heard him could deny that it was a partial and oppressive tax upon a description of men, who, with the utmost industry, could hardly maintain their families, and who were entitled to their protection, particularly as not one of the representatives in that House took a share of the burden. The tax ought to be repealed *in toto*, without any modification, and therefore he should move, "That the Chairman be directed to move the House, that leave be given to bring in a bill to repeal an act passed during the last session of Parliament, entitled, An Act for granting certain Duties on Shops within Great Britain."

Mr. Alderman Sawbridge moved, as a preliminary proceeding, "That the evidence should be read over," desiring that Sir Watkin would withdraw his motion, to give way for

it. This being complied with, the chief part of the evidence was read over at the table; after which

Mr. Ald.
Sawbridge.

Mr. Alderman *Sawbridge* rose, and said, that the right honourable gentleman, when he introduced the tax, had declared, that it would fall upon the consumer, and that the consumer would ultimately pay it. The reverse of this had been stated at the bar to have been the operation of the tax, which stood proved a personal tax, and a tax which the shopkeeper must pay out of his own pocket, without a chance of recovering any part of it. The inability of many of the shopkeepers of this metropolis, on whom the tax principally pressed, to pay it, had been established by the clearest testimony; and therefore he hoped the House would not persist in so partial, so unjust, and so diabolical a tax, but that the right honourable gentleman would meet the wishes of the People, and comply with the prayer of the petitions, by consenting to repeal it. The question was not a party question: it ought to be treated on its own merits, independently of any other consideration. His political principles were well known; and whenever a party contest was the matter in hand, he was never ashamed to avow his reasons for supporting the side of the question taken by those with whom he generally acted. If any thing of party had mixed with the question, it would have been his object that the Minister should not repeal the bill; because if any one step could weaken his credit without doors, and shake his popularity more than another, he was satisfied it would be for him to persist in keeping a bill in force which had deservedly drawn down upon it such general odium and detestation throughout the cities of London and Westminster, the borough of Southwark, and almost every capital city and town in the kingdom; but the fact was, that exclusive of the desire which he had to get the act repealed, in gratification of the anxious wishes of his constituents, who would readily contribute their share towards the public exigencies of the state in common with the rest of their fellow subjects, it was his sincere opinion that the act ought to be repealed; that the tax was a bad one, and would not produce any thing like the money for which it was given. He begged leave to remind the right honourable gentleman, that one quarter of the year remained to be collected; and that if the right honourable gentleman would consent to repeal the act, he was persuaded that he would render the collection of the quarter due a very easy business; for, in that case, the shopkeepers, knowing it was to be the last for which they were to be called upon, would pay it with great cheerfulness.

Mr. Ald.
Newnham.

Mr. Alderman *Newnham* declared that he could not avoid considering the tax as replete with partiality, injustice, and oppression;

oppression; particularly because almost the whole weight of it fell upon the shopkeepers of the city of London. They had a more than sufficient share of disadvantage to cope with before. Well known was their readiness at all times to contribute to assist the public necessities, provided that they were called upon to contribute equally with the rest of the People; but it was unfair to select them out to pay a very heavy tax, which was not felt by others infinitely more capable to pay it than they were. As the Minister had been saved the expence of the fortifications, which, in his mind, (Mr. Newnham said) appeared rather calculated to destroy the constitution than to defend the kingdom, he might well afford to give up the paltry sum which the shop tax was likely to produce. Under these circumstances, he flattered himself either that the right honourable gentleman would, upon cool conviction, resolve to meet the motion with his deserved report, or that the debate might take so powerful and just a turn as to draw him, even against his inclinations, into a majority of the House.

Mr. Alderman Hammett remarked, that he considered the tax as one of the most critical and important points that ever fell under the investigation of Parliament. If not repealed, a principle of taxation of the most dangerous nature, a principle striking at the very foundation of the Constitution, would become established; a principle that Parliament might take the money, by a tax, out of the pocket of any particular individual, or any particular description of individuals: a principle to which he, for one, never would give his consent; nor to any tax, no part of which the members of that House were to pay themselves. What right had they to tax one set of men more than another? If such an abominable principle obtained, any man worth two hundred thousand pounds might be selected, and one hundred thousand taken away from the man whether he chose it or not. Let every man make the case his own. If one man could be so unjustly taxed, it might be a man's own case, if he were equally rich, the next time. He detested all personal taxes; for all taxes ought to operate equally on every man according to his property and affluence. The shop tax did not. He had a large property in houses, and yet neither he nor any of his tenants paid towards it. The tax on attorneys he always thought an unjust one; because a poor fellow, who came and asked permission to draw a few leases, and the attorney who kept many clerks, and was in full and profitable practice, each paid five pounds a year license. Was that fair, was it equitable? The House would please to recollect, that he happened to be the first man who objected to the tax in his place, and all which he had predicted of it had been fulfilled, and the witnesses had proved it.

it at the bar. Exclusive of this, he had endeavoured to probe the truth: he had asked if the bookseller could increase the price of his books, or the printseller of his prints, and he found neither of them could do it. On this occasion he had referred himself to an irreproachable and enlightened individual, (Mr. Alderman Boydell) and found, as he expected, that the sentiments which he entertained concerning the tax were such as strongly militated against its flagrant and oppressive partiality.

Joseph
Mawbey.

Sir *Joseph Mawbey* observed, that his constituents, to whose opinion he, in this case, implicitly assented, detested the personality of the tax, and most severely reprobated it as an intolerable grievance: nor should he have absented himself during the investigation of its demerits, but that extreme indisposition confined him to his house.

Edward
Aukley.

Sir *Edward Aukley* professed himself a friend to the tax when it was originally proposed. He had expressed his satisfaction, because (as he then declared) he thought the shopkeepers deserved it, for having for some time entered into a combination to defeat the operation of the receipt tax. He had last year strongly urged the right honourable gentleman to make the receipt tax effectual by some proper regulations: if that were done, it would produce a large sum.

Mr. Amyatt

Mr. *Amyatt* (an advocate for either the repeal of the bill, or some modification) said, that if shopkeepers were permitted to charge five per cent. on their book debts, he believed they would be contented.

Love-
den.

Mr. *Loveden* declared that his constituents, satisfied with the tax, only wished for the abolition of hawkers and pedlars.

Mr. Thorn-
ton.

Mr. *Thornton* remarked, that he felt it necessary to explain his reasons why, having, during the course of the preceding session, given a vote in favour of the bill, he now resolved to meet it with his opposition. The manner in which he had then conducted himself had been misrepresented to his constituents, and had drawn down upon him a degree of unpopularity, greater perhaps than had ever fallen upon a representative of any place before. As open and ingenuous conduct was always to be preferred, he thought it incumbent on him to declare the fact, and he would have the courage to say, that though he might possibly repent the vote he had last year given, he did not repent the motive that impelled him to give that vote, which was a consideration of the great exigency of public affairs; a conviction that taxes, at once irksome and severe, must be imposed on the subject, and an idea that, in a choice of difficulties, the tax on shops was as fair a tax as any other that had then been suggested. He had since that time received the instructions, and indeed the repeated intreaties of his constituents, to support a motion for the re-

peal

il of the tax, and he should vote accordingly. He would wish the right honourable the Chancellor of the Exchequer to relinquish a tax so extremely odious and unpopular to so great a body as the shop tax was. Unless he thought proper to pursue this measure, at the division of the House he doubts would perceive most of the representatives of counties and populous cities and towns giving their voice in opposition to his own. The most respectable part of the House would shrink from his side, and the chief (if not the whole) of his diminished political phalanx consist of the members for decayed and rotten boroughs.

Mr. *Drake* observed, that, amidst the drudgery of attention to parliamentary business in a Committee room, it was to be supposed that he had enjoyed time to prepare himself with any powerfully-digested force of argument in favour of the motion, and therefore he should rest satisfied with endeavouring to make such irregular attacks as seemed requisite to the defence of the ground which he designed to choose. When the tax was first proposed, the House were necessarily obliged to consider it speculatively, and to act upon what it was thought it would produce. Since that time assertion had no evidence, and experience was opposed to theory. It had been proved to be a partial and oppressive tax, and the sooner it was repealed the better. He conceived it to be a personal tax, and not a tax on consumption; but if it were the latter, it was impossible but that a great deal more money could be levied on the Public than would go into the Exchequer. He reminded the House what had been the case when a duty on wines, amounting to the rate of one penny the bottle, was imposed; at that time the retailers charged twice the price, and, in some cases, five pence advance on that penny. The honourable gentleman had suggested, that if shopkeepers were allowed to charge five per cent. interest on their books, it would make them willing to acquiesce under the shop tax. For his part, he did not admire that scheme; besides he feared the shopkeeper would, if that were adopted, lose both principal and interest. It would be an easy way of settling accounts to men who owed more than they lawfully could or would pay. When the claim was made, such a man would say to the shopkeeper, "Oh! charge me five per cent. interest; let the account go on, and make a great capital of it!" and thus the whole would be lost. A repeal was the best way of quieting all scruples, and settling all disputes. He expressed an ardent wish to see two right honourable gentlemen (Mr. Fox and Mr. Pitt) united in their country's service. Were that the case, what might he not expect to benefit to Great Britain! He professed the most enthusiastic admiration of the latter's (Mr. Pitt) virtues and talents.

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He declared it was not a desire of having his right honourable friend sacrifice to popularity, that prompted him to advise a repeal of the bill. He was not so ignorant of the world as to remain, at the present hour of his life, a stranger to the transient nature of popularity; nor, although perfectly convinced how pleasing to a liberal mind the consciousness of enjoying the approbation of the multitude must always prove, could he set so exorbitant a value upon public praise as to become miserable in the extreme when he did not enjoy it.

Mr. Powys. Mr. Powys remarked, that as he had not hitherto been favoured with instructions from those whom he had the honour of representing, it was not to be supposed that he could address the House with that degree of authority which accompanied the remarks of either the worthy magistrate (Sir Watkin Lewes) who opened the debate, or an honourable gentleman (Mr. Thornton) who spoke last but one. He had neither received any instructions nor intimations, and therefore he should look to the petitions on the table, being of opinion that the petitions of the People, let them come from whom they would, always deserved the respect and attention of every member of that House. To the sort of evidence given at the bar he had listened very closely. He gave the witnesses the credit of being extremely well informed; but there were some positions of theirs to which he could not reconcile his mind; in particular, their declaration that the competition between the capital shopkeeper and the petty shopkeeper would prevent their enabling themselves to reimburse the charge of the tax by a distribution of it on the articles they deal in, was a position to which his own opinions would never suffer him to assent. He also revolted at the idea of the capital shopkeepers absorbing the smaller shopkeeper. Why would that be more probable in future than it had been hitherto? There always had been both descriptions; and the one had the same degree of power over the other, and yet the petty shopkeepers were not absorbed. He was inclined to consider it as a tax on consumption, which would in time find its level. He did not like, at any rate, to repeal it merely because it was unpopular. He recollected that the receipt tax was, at one time, equally unpopular, and so would every tax be which raised a good deal of money. If the present could be proved to be personal, it must be repealed; but it had not yet been so proved. A tribute of considerable applause was certainly due to the right honourable gentleman (Mr. Pitt) for every step in his political procedures, as far as they respected the finances of the nation, from the first moment to the present of his presiding over the government of affairs; nor did any act entitle him to a greater share of panegyric than the rapidity with which he had funded the unfunded debt. In conclusion, Mr. Powys observed, that

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meant to render himself at least one exception to the remark which an honourable gentleman had thought proper to make during the course of the debate, that the ministerial balance must, on the present occasion, consist of the members for decayed and rotten boroughs. In this description he did not class; and yet his vote would go in opposition to the notion of the worthy magistrate.

Mr. *William Stanhope* observed, that although he enjoyed the honour of being a representative for (Kingston upon Hull) Mr. Wm. Stanhope. one of the most extensive and opulent commercial towns within the kingdom, his constituents had not hitherto directed him to meet the shop tax with an opposing voice; nor indeed could he, for his own part, conceive why such an impost was improper. The shopkeepers would contrive that the consumers should pay it, and that it might be so laid as to be a fair tax. With regard to the present tax, it certainly ought to be altered. The criterion by which it was laid was most absurd. The colour of a man's door was just as certain a rule to judge what his shop was worth. There were a great many people who paid very high rents for their houses, and yet who did very little business; and again, there were others in directly the reverse situation. He stated the case of Mr. Gray, the buckle maker, or seller, in New Bond Street, and opposed it to an artificial-flower maker's shop in the upper part of the street. The former did a great deal of business, and kept his country house, and the latter did very little, and yet the latter paid a much higher rent than the former. This was certainly hard upon the flower maker. A variety of similar instances might be cited. Might not a better end be answered, were a shop to become assessed separately, valued at a third of the rent, and that third taxed in proportion?

Mr. *Francis* declared he had no intention to embarrass the right honourable gentleman in the business of taxation and finance; he disclaimed any such idea. He rose merely to speak in behalf of that lower order of shopkeepers whose voice was not very likely to reach that House: he meant the petty shopkeepers who dwelt in houses from 5l. to 15l. a year. The shopkeepers of that description must be extremely distressed by the tax, and theirs was a case which rather appealed to the compassion of the House, than came forward with any other ground of appeal. Mr. Francis.

Mr. Chancellor *Pitt* said, that it gave him no inconsiderable pleasure to embrace an opportunity of rising so soon after an honourable gentleman (Mr. Francis) who had uttered observations which reflected the highest credit upon the benevolence of his heart; and he trusted that, previous to the conclusion of those remarks with which he must beg leave to trespass upon the attention of the House, he should convince Mr. Chancellor Pitt.

the honourable gentleman that, upon the present occasion, his breast was not destitute of proper feeling. He entirely concurred in opinion with an honourable gentleman who began the debate, that the question before the House was one of the utmost consequence, but that it also lay within a very narrow compass. The whole of the objections to the tax might be classed under two separate heads; the one applying to the justice of the House, the other simply to its compassion and humanity. The first of those objections was, that the tax was personal; that it was impossible to lay it on the consumer; and that it was of course highly partial and oppressive. The other objection was, that, in certain cases, it fell with a heavy weight on persons who were absolutely incompetent to pay it at all. As to the first, he declared himself to labour under very disagreeable feelings, in being obliged to avow, that, notwithstanding the very intelligent manner in which the witnesses at the bar had given their testimony, yet they had by no means brought home a conviction to his mind of the truth of the grievance of which they complained. He was not surprised at the great resistance which appeared to be given to the measure, when he considered how unwilling people were in general to pay any tax at all, and how strongly their prejudices were excited against the present tax in particular, by persons who had first found it their interest to give it the most violent degree of opposition in Parliament, and had afterwards endeavoured with all their industry to impart and communicate that violence to the people abroad. It had originally been argued in favour of the tax, that it would be made to operate as a general impost upon consumption, and it was now attempted to be proved that it could not be made so to operate, but must remain a burden on the shopkeeper. The aversion of the shopkeepers themselves was adduced as an argument in favour of this construction; for it was taken for granted, that if the shopkeeper could at all indemnify himself, he could do it to an extent out of all proportion greater than he was entitled to do, and therefore that his dissatisfaction must necessarily arise from the impossibility of indemnifying himself at all. In his opinion, the opposition could be as easily accounted for from the natural prejudices of mankind, by which the persons paying the tax were inclined to overlook the additional profits they might make by an advanced price on their commodities, because those were scattered and minute in their parts, and to lay a greater emphasis on the tax they had to pay, though not greater in amount, because it was to go out of their pockets in a lumping sum. The particular part of the question, which related to the practicability of laying the amount of the tax on the articles of the trade, appeared to him to have met with great misrepresentation,

presentation, and a very unfair inquiry. He had endeavoured to elucidate that inquiry by a question which he asked one of the witnesses, whose answer had been alluded to by an honourable gentleman opposite to him. The question was, By what criterion were the charges of the retailers of any commodity to be regulated? The answer was one to which he could not subscribe, By the prime cost. If this were the case, what regulated the difference of prices charged by the wholesale dealer or manufacturer and the retailer? There were, he apprehended, a variety of considerations which ought to weigh with a trader in fixing a price on his commodity; besides the prime cost, he was to estimate the other expences as well as the trouble which might attend it; the bringing it to market, and, if it was a commodity unfit for immediate consumption, the manufacturing it to a state of perfection, were attended with a degree of labour and attention for which he was to indemnify himself by his price. It was not merely by the prime cost that the retail price was to be governed, but by every other incidental expence attending the business; so that the retail shopkeepers might as easily advance their prices, in order to indemnify themselves from the tax, as they could for the purpose of answering any other charge they might incur. The principal topics which could be adduced to prove the possibility of the shopkeepers to lay on their commodities, without giving an unfair opportunity of competition to the more considerable traders, had been already anticipated, which was, that if those could meet the inferior dealers in a competition favourable to themselves with the tax, they also do it equally without the tax, and therefore would long since have entirely overborne and absorbed the whole trade to themselves. The nature of the competition in trade was not a competition to undersell others, so much as to sell at a rate which would procure the dealer a proper living profit. What this profit was, depended upon the circumstances of the trader, and was that general profit which would enable him to live in a stile suitable to his rank among people of that class; from whence it must appear, that a considerable trader could not estimate his profits by those of another, an inferior one, but must make them keep pace with the proportion between their several capitals. Thus the inferior trader kept pace in his proportional profits with the superior; and if the superior ventured to undersell the inferior, his proportional profit, which was in fact his living profit, must become diminished, which would effectually prevent his attempting to do so. — It was something extraordinary that it should be contended, either that no advance at all could be made in the prices of the articles of the retail trade, or that if any advance should be made, it must be to such a degree as would burden the Public

with a tax infinitely greater than that imposed upon the shopkeeper. Thus the principle of competition was powerful enough to enable the trader to practise a heavy imposition against the Public, but not sufficiently to protect and indemnify himself from a small burden. But neither of those extremes were to be expected; for, in the first place, on the principle that every trader expected a general proportional profit upon the whole of his capital, adequate to that capital, and therefore would not attempt to undersell the inferior trader, as by so doing he would diminish that proportional profit; so the danger of losing all their business would prevent any of them from going so far in increasing their prices as to impose upon the Public in the degree which had been suggested. In trades of any peculiar mystery or skill, persons might endeavour to stretch their profits to an unreasonable length, because no such danger of rivalry existed there as in other cases; but, in that particular instance, to extend the profit too far would lessen the consumption: in the ordinary course of business, however, any attempt to raise a too exorbitant compensation on the Public would raise up competitors, and defeat the object. The absurdity of supposing that the addition of a small burden on the shopkeepers would in any degree destroy the general level of trade, must appear to those who should reflect upon the difference between the rents of houses at the present time from what they were thirty years ago, and from what they possibly might be thirty years hence; and this increase should be considered in the same point of view as the present tax, with this difference, that the proportion of the tax was in favour of the lower orders of shopkeepers; whereas the increase of rents had no such proportion. Did this increase then give any unfair advantage to the superior shopkeeper? If so, how had the inferior ones kept their ground? And if they could keep their ground against a general rise in rents, why not equally in the circumstance of an additional tax, not general and equal, but calculated to maintain a proportion favourable to the poorer classes? Hence it must follow, that the general principle of a proportionate profit to the capitals of the different traders would prevent a competition dangerous and destructive to the inferior shopkeepers; and that the natural disposition of all traders to endeavour at a competition, where it could be done consistent with that principle, would prevent a too exorbitant compensation from being raised upon the Public. It had been argued, that the rent of the house was not a fair criterion to judge of the degree of trade carried on by each individual; but it was the fairest method by which it could be ascertained; *for if one shopkeeper paid thirty pounds a year for a house of equal dimensions to that for which another, in a less-advan-*
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tageous situation, paid only twenty, they acted so certainly either with a view of selling more articles, or of getting a higher price for those they did sell: if the trader sold more, then certainly his shop, independent of the house, was, in fact, more valuable, and of course more an object of taxation; but if he sold at a higher rate, then certainly it could not be contended but that there was a possibility for a tradesman to indemnify himself for any extraordinary expence he might be at by an advance of his prices; and he would not suppose that any gentleman would attempt to argue that a tradesman could apportion the sum of ten pounds, to be made up by an advance of price on his trade, and yet be at a loss to indemnify himself for a tax infinitely less, and which bore a proportion decidedly in favour of the inferior dealer. It was worthy of observation, how the native force of reason, in some instances, without self-consciousness, got the better of prejudice. An honourable gentleman (Alderman and member for the city of London) had stated it as impossible for any trader to indemnify himself for a tax, by raising the price of his commodities; but still the honourable Alderman, on a subject in which his particular passion and interests were not engaged, had shewn, in the course of the evening, that he was not in reality so ignorant of the operations of taxation as he had pretended; for when, in a former debate, it had been suggested, that, by imposing a tax of ten shillings per ton on Dutch fishing vessels, the city of London might be deprived of her supply of a certain favourite article, the honourable Alderman had answered the objection by observing, that there was no danger of the market being deserted; for if our own fishermen did not supply it sufficiently, the Dutch would, notwithstanding the duty, bring in their turbot, and indemnify themselves for the additional ten shillings per ton impost by adding it to the price of the fish. Such an argument was the more singular, as it was made on the very eve of a debate in which the honourable member, no doubt, was prepared to hold one of a directly contradictory nature. An honourable gentleman, for whose opinion he had the highest respect, observed, that we had now experience instead of theory, and evidence instead of assertion, to convince us of the injustice of the tax; but as to experience, we had as yet had none, for the tax had been paid but in a very few instances; and besides, we could not expect to find the event of such a subject completely fulfilled until time should have suffered the trade affected by the tax to have subsided to its level. As to the evidence produced, it was in fact nothing but assertion, and the assertion of men labouring under strong prejudices; so that, upon the whole, he could see no reason for agreeing to the motion for a total repeal, however it might become

become proper to mitigate the tax in some instances. This brought him to a second class of objection, which was the heavy burden it imposed upon persons absolutely incapable, and on others not very well qualified to bear it. From motives of compassion to persons whom he should wish to protect and cherish as a very deserving, and though not an opulent, a respectable part of the community, he was extremely willing entirely to remit the tax to such as were so poor as to be excused the payment of parish rates; and those who came next to them in their title to pity, and though not quite so indigent, were nearly unable to pay it: such should, with his consent, be considerably eased. Those persons must be ascertained by their rents being under twenty or twenty-five pounds. Thus the very poorest class would become wholly exonerated, and that immediately above it materially relieved. But in consenting to this, he was directed solely by motives of humanity, and not by any considerations of the impropriety of the principle of the bill, which he continued to approve, notwithstanding all the efforts which had been made to depreciate and condemn it. If he could be convinced that the tax were really objectionable, he would most cheerfully acquiesce in its repeal; and he supposed there was no gentleman in the House that would for a moment hesitate to comply with the wishes of the inhabitants of the city in which they all lived. For his own part, he declared that he would by no means resist their desires merely because the measure was originally of his own framing; and he was happy to say, that if gentlemen should really think the tax either oppressive or unjust, that the situation of the public finances were not such as could afford them any excuse for persisting in it; but he flattered himself that he was not so far mistaken in his opinion of the generosity and spirit of his countrymen as that the relief which he was ready to grant to the more indigent part of them would not give ample satisfaction to the more opulent, and make them cheerfully acquiesce in the burden which (if the House thought proper) they were still to bear. But he begged leave to warn the House against a too-ready compliance with a requisition for the repeal of a tax, as it might form a precedent to endanger every branch of the revenue; for it was difficult to find any tax whatsoever, against which very plausible exceptions might not be made, and from which many people would not be found averse. On the subject of the proposed modifications he should say little, because if the House agreed to the total repeal, it would prove useless; and if they did not, the modifications and exemptions would become sufficient. It had been proposed to value the shops at one third of the rent of the house; but ~~this would answer no end towards regulating the tax; because~~
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the proportional value, according to that estimate, would still be uniform, and therefore the tax on each must bear the same *ratio*; but if they were otherwise, an honourable friend of his (Mr. Stanhope) had shewn an exception in the instance of two houses; the shop belonging to one of which did not amount to above one-tenth part of the value of the whole, whereas in the other the shop was worth one half. As to the allowing shopkeepers interest for their book debts, (which, however it might be a compensation, was certainly no modification of the tax) he thought, in some points of view, it would prove desirable, and he would willingly comply with it; but he apprehended it was what the traders themselves did not wish for. A worthy Alderman (Mr. Hammett) felt warmly under the impression of the prejudice which obviously possessed his mind; but if the positions which he had laid down were admitted, as to what was not a fair principle of taxation, nine tenths of our revenue must be given up as built upon an erroneous principle. Perhaps a perseverance in the attempt to give stability to the shop tax would either prevent the slightest acquisition of popularity, or lessen, if not annihilate, whatever share of it might, at any preceding period, have been acquired; yet, although no circumstance could prove more flattering to his heart than the enjoyment of the approbation of his fellow subjects, nor any endeavour become a stronger object of his mind than that which tended to earning from their generous partiality a tribute of honourable praise, the welcome, the dear reward of having consulted their actual welfare, he should prefer (what, in his humble opinion, he might deem) their interests to their gratifications, and their real service to their imaginary causes for contentment. The important duties of his station should never, even for a moment, lose their first ascendancy in his recollection; and, amidst the principles which a becoming idea of the weight of these must naturally inspire, he would regard all marks of popular applause as merely personal considerations, and therefore not worthy to weigh a single feather in the scale against his efforts to procure, on grounds of unexceptionable justice, advantages for the revenue.

Mr. Fox said, that the right honourable gentleman who spoke last might rest assured that he admitted, without even the slightest exception, the justice of his arguments in favour of the necessity of perpetually endeavouring to introduce, and to promote advantages for the national revenue, and of refusing (unless the most powerfully-unanswerable reasons could justify a contrary procedure) to relinquish a tax, from the produce of which he might have reason to expect a sum of great amount. So fully was he persuaded that his sentiment became not only every minister, but every member of
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Mr. Fox.

that House; and so deeply was he, at the same time, convinced, that, in matters of finance, and of taxation, the unpopularity of any particular impost ought not to be the reason for its being abandoned: that much as he professed of respect for his constituents of Westminster, and still more, as he felt of regard and reverence for those whom he considered as his first constituents, the people at large, whose interests he held himself bound to watch over, and, as far as in him lay, to guard, protect, and defend within those walls; yet, notwithstanding the numerous petitions on the table, and notwithstanding the instructions which he had received from those whom he immediately represented, and their known wishes, he made no scruple to declare, that he would have supported the right honourable gentleman in resisting a motion for the repeal of the shop tax, had he not been fully convinced that the tax was radically bad; that it was founded in the grossest partiality and injustice; and that no modification whatsoever, much less the sort of modification proposed by the right honourable gentleman, could cure its defects, or render it fit to be endured. The motion for its repeal should, therefore, have his firm support, and in giving his vote for a repeal of the act *in toto*, he hoped he should not be considered as an enemy to the revenue. When the tax had been originally proposed, he objected to it, and then declared, that, though the right honourable gentleman chose to call it a shop tax, it was in fact an additional house tax, partially applied to houses, of which shops made a part. That was undoubtedly the state of the case, and consequently it was not the first, but the second shop tax; for the tax on houses had operated partially, and to the disadvantage of shopkeepers; inasmuch as shopkeepers, compared to all other descriptions of householders, paid by far the highest rents of any persons in the kingdom. To lay a new burden on the shoulders of that description of people, who were too heavily burdened before, was oppressive and unjust; that, therefore, were there no other, was a strong reason, and indeed it ought to operate as an unanswerable one with the Committee for agreeing to the motion for a repeal of the act. The right honourable gentleman had put the case, that if houses were to rise in rent considerably all over the kingdom some years hence, what would then be the situation of shopkeepers, and would they have any reason to complain that they paid higher rents than they did at present? If the right honourable gentleman meant merely that if money grew cheaper, and all sorts of property fetched a larger proportion of money in price proportionably, in that case, things would just remain in the situation in which they stood at present; but if the right honourable gentleman meant (and so indeed he must mean, if he

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meant any thing) that the houses of shopkeepers only were at any given period to be raised in their rents all over the kingdom, he had then very fairly described the additional tax in question, the shop tax, because that tax operating upon shopkeepers only, did what the right honourable gentleman had stated: it raised the rents and swelled the capitals of shopkeepers' houses all over the kingdom, at the same time that it raised the rents of no other houses. How extreme was the injustice of selecting that useful body of people, the shopkeepers, as objects of not only separate and distinct, but oppressive and unjust taxation. With regard to the right honourable gentleman's two points, (which he had laboured so much to establish) that the tax was not personal, and that it might be laid on the consumer by the shopkeeper who paid it in the first instance, both those positions must he deny in the most unequivocal manner, and declare that the tax was a direct personal tax on the shopkeeper, and that it was utterly impossible for him to repay himself by laying it on the consumer, without putting the Public not merely to five times the charge of it, as an honourable member near him had stated to have been the case in regard to the duty imposed on wine some years since, but to forty, or perhaps one hundred times the charge. On this occasion, he must beg leave to remind the Committee, that nothing could be more easy than to ascertain exactly to what the sum of additional duty per hogshead upon wine came, and what would prove the amount of that duty when divided into gallons, and from gallons into bottles. If, then, in a case so easy, obvious, and intelligible, the retail dealer had barefacedly charged the Public five times as much for every bottle as he paid to the Exchequer, what an advantage must not be unavoidably made where the distribution of the tax was privately laid on a variety of small articles? In fact, the consumer, if he paid the tax at all, must imperceptibly and insensibly, even to the shopkeeper, pay it over, and over, and over again; but he desired the right honourable gentleman to prove that any shopkeeper either had, or could charge it to the consumer. Being, therefore, undoubtedly a personal tax, he should advise the right honourable gentleman, in this instance at least, to give way, and offer some tax, less exceptionable, in its stead. He had himself, when the subject was under discussion last session, mentioned a tax which he had thought preferable, though he was very ready to admit, that the tax to which he alluded was extremely open to exception. He meant a new general house tax. That he thought, exceptionable as it was, was less exceptionable than the shop tax. In point of exceptionableness, it was chiefly so, as that it would bear harder on shopkeepers than on any

VOL. XIX. O o other

other persons, because they paid higher rents (as he had observed before) than any other description of householders. In short, the tax was so radically bad, that no modification could cure its defects. The right honourable gentleman, in the greater part of his argument, had gone to prove that the tax was not personal, and that it must find its level and fall on the consumer. If this were true, what was there to recommend his modifications? The right honourable gentleman had stated that he would take off and modify the portion of the tax to be paid by all shopkeepers who lived in houses at less rents than twenty and twenty-five pounds, which would considerably lighten the load, and exonerate the shopkeeper. Would it? Of what would it exonerate him? Of the money paid by the consumer! For if the consumer was to pay the whole of the tax, the consumer would be exonerated by the modification proposed, and not the shopkeeper. In like manner, the generous and compassionate bounty of the right honourable gentleman, in fact, amounted to nothing; because if the consumer really paid the tax, the poor shopkeeper, who was not to pay towards the tax, if he was excused the payment of parochial taxes, was excused from paying that which, according to the right honourable gentleman's argument, was to come out of the pocket of another. The right honourable gentleman had thought proper to hazard the remark, that the tax would, no doubt, find its level; but that the shopkeepers had not yet found out how to make its distribution. This was an extraordinary thing to say of men, the daily business of whose lives was to lay out large sums to purchase articles in the gross, and to draw back and collect the sums so expended by a multitude of minute profits. How strange and idle to impute the sort of ignorance in question to those men, who, of all others, were most in the habits of making such a distribution as that which it had been said they had not discovered how to make! In fact, the laying the tax on the consumer at all was impossible. Upon this occasion he should instance his own receipt tax, which every body knew was to this day paid by the person who received the money, although he had a legal right to oblige the person paying it to pay for the receipt. Mr. Fox declared, that though he did not pretend to be above popularity, but, on the contrary, was shocked and affected when it fell to his lot to become unpopular, yet he would, at all times, in spite of unpopularity, stand up an advocate for a tax after it was once proposed, unless, as in the present instance, he thought the tax radically bad, and unfit to remain unrepealed. The present tax was a personal tax, and at the same time partook of the nature of a tax on the consumer in the worst manner, because it left the power of distribution solely to the discretion of the shopkeeper,

keeper, and what was more exceptionable, to be by him secretly exercised. The requisite to make a personal tax palatable was, to lay it so that its operation should be general, if not universal. The servants' tax was an unexceptionable personal tax, but (he feared) ill collected. The argument of a worthy Alderman (Mr. Hammett) was certainly well grounded in regard to the principle of taxation, though it went a great way farther than he was ready to go upon the subject; but the right honourable gentleman (he thought) went much farther himself, when he had asserted that nine tenths of the revenue depended upon taxes raised upon the principle which the honourable Alderman had reprobated: the principle of imposing mere personal taxes, and those such as did not affect themselves. Whenever taxes were under consideration, one material defect in the construction of that House manifested itself, and that was, that the city of London, which paid, in general, so large a share of all the taxes, had not a greater proportion of representatives to secure it its due weight in determining of what taxes should consist. The right honourable gentleman, notwithstanding, deserved a tribute of applause for such modifications as he intended to introduce; and, for his own part, under a total aversion from the whole of the bill, he should be glad to discover that, with the aid of the right honourable gentleman, some portion of it might become repealed, if it were vain to hope to see it actually thrown out of Parliament. An event of this last desirable and happy nature would rescue the shopkeepers of London and Westminster from the burden of an almost intolerable grievance. Anxious to emancipate them from such unmerited oppression, he felt it a duty which, upon the present occasion, he should most cheerfully fulfil, to vote in favour of the motion for an absolute repeal of the act passed during the course of the preceding session.

Sir *Gregory-Page Turner* declared that he had last year voted for the tax conscientiously, but that he should now vote for its repeal, as the act was partial, in not including wholesale dealers. Sir G. P. Turner.

Mr. Alderman *Watson* declared that he rose not to call upon the compassionate feelings of the House, but upon its justice, to which the shopkeepers of London and Westminster had submissively appealed. An honourable Baronet (Sir Edward Ashley) had observed, that he was against the tax being repealed, as the shopkeepers had entered into a combination to defeat the receipt tax. This he was glad to hear, because it put the matter on its true ground. It seemed, then, that the House had voted the tax on a principle of vindictiveness, and in order to punish the shopkeepers of London for having dared to disapprove of a former tax. Mr. Ald. Watson.

Mr. Ald.
Townshend

Mr. Alderman *Townshend* now rose, and declared, that he could not avoid calling the honourable member who spoke last to order, and reminding him, that a declaration that the House ever imposed taxes on the subjects from a principle of punishment and vindictiveness, discovered that kind of freedom which must be deemed insufferable within the walls of Parliament.

This point having been adjusted,

Mr. Ald.
Townshend

Mr. Alderman *Townshend* rose a second time, and remarked, that the tax had from the first been called an unjust and oppressive tax; assertion was now evidence; the right honourable gentleman had originally opened it as a tax of a personal nature, and had, at the same time, talked of abolishing hawkers and pedlars, as a compensation to the shopkeepers; but it was clear that the abolishing hawkers and pedlars would have been no compensation to the shopkeepers of London and Westminster. This idea, in that form, was consequently unjust, because the tax operated oppressively chiefly in the metropolis, and there no compensation existed at all. The idea, however, was afterwards changed, and, instead of hawkers and pedlars being abolished, the doctrine that the shop tax would be paid by the consumer was taken up and maintained. The tax, therefore, had been introduced upon a fallacious principle, and on that ground of objection, were there no other, it ought to be repealed. In order to prove how ill founded the doctrine was, that the shop tax was a tax on consumption, he must remind the House of the increase of the land tax, and ask if any gentleman could give an instance that a load of hay, of corn, or of straw, had fetched more on account of the increase of the land tax? In like manner, if a gentleman raised the rent of his farm, and the farmer brought a load of the produce to market, would he not be laughed at if he were to demand an inordinate price, and to alledge as a reason for so doing that he paid a high rent? Every person knew that the farmer must, in that case, be governed in his demand by the fair average and ordinary market price of the day. With respect to wool and cloth, could a dealer in either get more for his wool per tod, or his cloth per yard, on the plea of his paying an increased rent? He would give the right honourable gentleman warning in time of his danger: if the tax were not repealed, he could have no conception of the extreme odium which he would incur throughout the kingdom. Its partiality was intolerable. What must the petty cheesemonger in Bishopsgate Street, who lived next door to Mr. Long's, and could scarcely afford to live on his own cheese parings, think, when he daily saw Mr. Long drive out, loling in his coach at his ease, and knew that he did not pay a

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penny towards the shop tax, though he was forced to contribute to it himself?

Mr. Grigsby said, that, old fashioned as the custom appeared, he was determined to obey the instructions of his constituents: he rose, therefore, to declare, that he had consulted them, and that, upon meeting the shopkeepers of the two largest towns in the county [Suffolk] he had the honour to represent, they were generally satisfied with the tax, and declared, that if it were extended to other descriptions of traders, such as warehousemen and bankers, they should become still more satisfied. Another matter that was foreign to the subject then under discussion, Mr. Grigsby said, he wished to speak to. When the question of reform had been in debate last session, he was out of the house, and was absent about twenty minutes. During this absence, he understood, that a noble Lord, not then in his place, had risen and noticed to the House, that he had seen some advertisements signed by a member of that House, inviting his constituents to furnish him with instructions on the question of reform; but as that member had not said a word, nor was there any petition on the table from Suffolk, he presumed that county was content with the existing state of the representation. The fact (Mr. Grigsby added) was, that he had, in consequence of his advertisements, seen his constituents at the time; that they had assigned their reasons for declining to convene a meeting of the county, and had left it to him to act as he thought proper.

Mr. Alderman Newnham observed, that it appeared to him to be a very extraordinary case for the freeholders of the county of Suffolk to have instructed their representative to recommend it to the House, instead of repealing the shop tax, to extend it to warehousemen and bankers. There was not, he believed, any warehousemen in the county, and not above two bankers. It was extraordinary that any member for a county should have pursued so wild a measure.

Mr. Grigsby declared that he had said the *shopkeepers*, not the *freeholders*, of Suffolk had told him that they should be glad if the tax were extended to warehousemen and bankers.

Sir Richard Hill said, that he presented a petition, praying for a repeal of the shop-tax act, from the county of Salop, and that he had come down determined to vote for the repeal; but the modifications the right honourable gentleman had proposed would (he had no sort of doubt) reconcile the shopkeepers of Shrewsbury, and indeed of every town in the county, to the tax. He, therefore, should vote against the repeal.

Mr. Macnamara observed, that he had, in like manner, received instructions from his constituents to vote for the repeal;

peal; but he believed, that had they been aware of the proposed modifications, they would have gladly accepted of the tax upon those terms. He, therefore, should vote against the entire repeal of the act.

The Committee now divided —

Aves	-	-	-	-	-	-	-	-	-	93
Noes	-	-	-	-	-	-	-	-	-	176

Majority - - 83

The Chairman was directed to report; and, as soon as the House was resumed, the report was ordered to be brought up on the morrow.

The House adjourned.

Friday, 3d March.

Mr. Burke. Mr. *Burke* begged leave to submit to the most serious attention of the House, the subjects of motions which had been made for papers relative to particular transactions in the East Indies. Upon this occasion, he considered it as his duty earnestly to repeat, that these motions were unavoidably requisite for the acquisition of papers which belonged to the whole body of charges, and without which it would prove impossible to go fully and fairly into the investigation of this important matter; he trusted, therefore, that no objection would arise against their being granted. He should make three motions, all, in a great measure, connected with each other. They went to the treaty of peace with the Mahrattas, and were for the purpose of bringing into evidence proofs requisite to establish the charges against Mr. Hastings in that particular transaction. His first motion, to which he hoped to receive the concurrence of a majority, was, "That there be laid before this House, copies or duplicates of all papers relative to the last peace with the Mahrattas, or any demand made by the Mahrattas concerning the cession or restoration of any territories now in the possession of the Company, or its allies, or of the payment of any chout, (or fourth part of the revenues) or of any sum in lieu thereof, or concerning any payment of money, or loan, to any of the said Mahrattas, made or paid since the 1st of January, 1779."

Mr. Dundas.

Mr. *Dundas* remarked, that as the contents of the papers for which the right honourable gentleman thought fit to move must, if rendered public, occasion that matter to transpire which ought, from motives of the soundest policy, to remain an actual secret to all the powers of the East Indies, he, for his own part, was determined steadily to oppose so dangerous a proposition. All this resistance was due from him, in consequence of his attachments to the interests of his country;

for the sake of which he could not submit to see carried into the world a full (or even a contracted) relation of circumstances respecting any of those steps which led to the conclusion of the peace with the Mahrattas. First, he should take the liberty to aver, that the late peace in India had never become the object of complaint, but merited, and it received, every man's applause. The benefits arising from it were great; they were, in fact, the salvation of the British empire in Asia. That peace broke one of the most powerful confederacies ever formed against our possessions there; and had it not been concluded in the manner in which Mr. Hastings so happily effected it, our power in that part of the world must certainly have experienced its total dissolution. The plans under which this happy event was effected were extremely improper to be made public, because they led to discoveries of the means by which the different confederate powers were rendered jealous of each other; to the intrigues by which the Rajahs were induced to dissolve their league against the British empire; and they would bring out secrets of infidelity which must tend to do the most material injuries to our interests. It was impossible to separate the motion so as to effect the purpose which it sought, without incurring the evils which he foresaw, and therefore he should not comply with its terms. The House might say to Mr. Hastings, You shall not state this: you shall not state that in your defence, because it must deeply affect our interests in India; but when Mr. Hastings comes upon his trial, who is it can prevent him from going into the subject of the Mahratta peace at large, and broadly stating whatever he knew? The discussion of the Mahratta peace would lead to a discovery of what alliances we had formed in India, and to a full investigation of the politics of that country; matters very improper to become revealed to foreign powers. From motives of such uncommon cogency must he contend against the requisitions of the right honourable gentleman; nor did he doubt but that the House, sensible of the propriety, and even the necessity, of such a resistance, would, upon this occasion, honour him with their support.

Mr. *Frederic Montagu* observed, that, under his usual ideas Mr. Fred. Montagu. that whatsoever arguments might be delivered by the right honourable and learned gentleman who spoke last, they must command attention, it was not without satisfaction that he discovered his resistance to the motion placed solely upon a public ground, where the decision with respect to its propriety might prove entirely unexceptionable. The right honourable gentleman (Mr. Burke) had come forward as a determined accuser, and the charges which he made contained neither light nor novel matter. The subject had been discussed

cussed for a number of years, and before many Committees. The right honourable gentleman's abilities shone with more than common splendour in the business; his diligence and attention were unwearied. But, notwithstanding this perseverance, and these virtues, he much feared, that, like many other great persons, he must trust to posterity for the benefit of his labours; for there seemed little probability of bringing this point to issue in his lifetime. As to the danger arising from the disclosure of the circumstances of the Mahratta peace, he really saw it not in the light in which it was attempted to be placed by the right honourable and learned gentleman. He hardly could perceive how the mixed government of the Indian princes should enter into the detail of the parliamentary proceedings in England. If the minute papers were moved for, there was a negative put on the motion; there was an end to all inquiry. What was to become of justice, if the strong hand of the Minister was raised on such occasions against the attainment of equity? If, on the present occasion, he took the liberty to use the word Minister, it was not without a tolerably well-grounded supposition, that, not merely upon this, but upon several other political occasions, the right honourable and learned gentleman came forward as effectively the Minister. In conclusion, Mr. Montagu said, that, for the reasons which he had already stated, he was determined to give the motion of his right honourable friend an assenting vote.

Mr. Burke. Mr. Burke contended that the objections of the right honourable and learned gentleman went not only to the first motion, but strongly and directly to the other two; and he was the more surprised at this opposition, when he contrasted his conduct in the year 1782 with his proceedings in the year 1786. The amazing change of opinion on the same subject carried to the mind a kind of astonishment, that, in so short a time, so great a difference of sentiment could become effected. As to the arguments used by the right honourable and learned gentleman in support of the refusal of the motions, they had, when considered, a most strange appearance. They went to this—that the papers could not be granted, because they would prove how and in what manner the different powers in India had been sacrificed to each other. These were not indeed the exact words, but they constituted the meaning to the full extent. Thus extraordinary was the cause assigned for endeavouring to prevent the papers from an appearance upon the table of the House; but if the reasoning of the right honourable and learned gentleman had any force at all, it struck down his strange position, that the papers ought not to be produced at all.

Mr.

Mr. Dundas called Mr. Burke to order. He insisted that he never entertained an idea of the powers in India being induced to betray each other by the circumstances under which the Mahratta peace was effected. Mr. Dundas.

Mr. Burke answered; that nothing was so far distant from his intentions as to engage in merely verbal altercations. Of little consequence was it whether we had prevailed upon the powers in the East Indies reciprocally to betray one another, or whether we had betrayed to them every ally we had in that part of the world. If the right honourable gentleman meant to do Mr. Hastings a service in refusing to let those papers be laid upon the table, he should have begun with establishing that there was no guilt in the transactions; that our allies were not betrayed; and that our engagements and promises had all been fulfilled with the princes who had so strongly charged us with breaking them. It happened rather unfortunate for the right honourable and learned gentleman, that his own words were the strongest testimony against his arguments, and this he hoped to prove. It had been argued on a former day, that if the present inquiry was to seek after crimes, the papers could not be granted; but that if a direct charge was made, there should not be any objection. That specific charge was not brought forward: it was committed in detail to writing; and if the right honourable and learned gentleman wished to hear it, it should be read to him. Indeed great part of it must be in the right honourable and learned gentleman's recollection, if he turned to the Report of that Committee in which he once was so active a member; but little notice should be taken of what those people say who so easily forget. The matter, however, was of too serious a nature to be dropped, because he had stopped the right honourable and learned member's memory. It must, he said, and it should be brought forward, if there was a possibility of obtaining justice in Parliament. Indeed the present objection to the motion for necessary papers carried with it an ill omen, and portended, that, in all matters of state, it would be impossible to bring high delinquents to an impartial trial, when Ministers put a negative upon the evidence that was necessary to that purpose. As to the excuse which the right honourable and learned gentleman made of the Mahratta peace being so salutary, and so honourable, he denied the justice of the assertion, and took upon himself to declare, that it was the direct contrary, and that our national honour and reputation were sacrificed in that very peace. It was to prove this, and to bring the charge directly home to Mr. Hastings, that the present motion was made. The charge was of a political nature: the crimes were political; and therefore the politics of both countries were involved in the event. The Mr. Burke.

objection of betraying politics was, therefore, frivolous, because the whole being of a political nature, it was impossible to come to the matter of fact without a knowledge of those very politics which it seemed to be the intention of Ministers to conceal. As to the defence of, or rather the panegyric on, the conduct of Mr. Hastings, he should refer the right honourable and learned gentleman who made it to the forty-four resolutions which he moved against that very Mr. Hastings; which resolutions stood on the Journals of the House. They stood by themselves as a monument, to record the unanimous sentiments of the Committee, as approved by Parliament. Six of these resolutions were now violated by the opposition of the very gentleman who proposed them, and without any other argument to support the change of opinion than the very curious one, that Mr. Hastings had made a good peace. What had the peace to do with the antecedent crimes? The right honourable gentleman stood pledged on the Journals of the House to do that which he now declares to be unsafe. What did all this amount to? What must the world think of the business? That we were a nation of thieves and robbers, afraid of inquiries into facts, and therefore stopping the progress of investigation, lest we might impeach each other, and the truth come out. It was, in a narrower point of view, laying the crimes of the individual upon the shoulders of Parliament, and making the House of Commons answerable for that which alone belonged to Mr. Hastings. If the right honourable and learned gentleman meant really to be serious, it was his duty to step forward, and not only to assign indubitable reasons why the disclosure of the particulars respecting the Mahratta peace would give umbrage to the foreign powers, but unanswerably to prove that the resolutions were in the least likely to force the Government into the disgraceful act of betraying secrets which ought for ever to remain inviolable.

Mr. Dundas.

Mr. Dundas here again called the right honourable gentleman to order, who, he said, was arguing on the principles of motions not yet offered to the House. There had been but one read, and to that he wished he should confine himself.

Mr. Burke.

Mr. Burke insisted that he had not infringed upon any of the regulations of the House, or wandered beyond the subject in general with which the first motion stood connected, and with which the other two were collaterally related. The infidelity which the conclusion of the Mahratta war exemplified to our allies, the breach of treaties, and the forfeiture of solemn promises, were a part of the great charge against Mr. Hastings; but it would be impossible to substantiate that part, if Government withheld the evidence. He specifically charged Mr. Hastings with having betrayed the allies of this country,
and

and with having given them up. The Mahratta peace contained perfidy, and was fraught with ingratitude and cruelty to those who ought to have been sheltered and protected by us. The difference between him and the right honourable and learned gentleman was this: — He (Mr. Burke) brought accusation — he (Mr. Dundas) pronounced a panegyric: the one advanced his charge upon proof — the other fled from it. There were three parties in this business. The House stood as the accuser, Mr. Hastings as the accused, and a party was neuter. This latter was the Minister. The prosecutor is in possession of the facts; but then there is a necessary evidence to testify to the truth of these facts, and that evidence is in possession of the neuter party, which neuter party being determined to keep it back, the consequence must be the acquittal of the culprit. In respect to the danger mentioned by the right honourable and learned gentleman, which was to arise from making public these papers, if a negative proof to the contrary was allowed, he could fairly bring it home to the understanding of any gentleman in the house, that no danger could possibly arise more than had already happened. This is not a manœuvre respecting the Mahratta peace, of which the powers in India are not already in complete possession; and the consequence is, that they have already combined against this country for the purpose of extirpating the British power in Asia. The sovereigns there are as well informed as any sovereigns in Europe: they have their intelligence regularly; they have their newspapers and their newswriters, and the best and most authentic intelligence of all the powers both in Europe and in India. The circumstance of the treachery used to the Rajah of Gohud, of the breach of treaty with that unhappy prince, now driven from his territories, and a wanderer in the East, are well known — too well known to be concealed: that poor fugitive now holds up his hands, and implores the British Parliament; he abjures them by their own consistency, by the faith of treaties, by the honour of their nation, to do him justice, to fulfil their promises, and to punish the man who caused that honour to be sacrificed, that faith of nations to be broken. There was one thing which he wished the House to consider; that the disaffections in India, by our breach of promise, and by other unpardonable crimes committed under the authority of the late Governor General, might, and no doubt would, induce France to take an advantage of the most pernicious consequences to our eastern possessions. As to the concealment of transactions respecting the Mahratta peace, he should take the liberty to observe, that if they were to be a secret, they were only to be a secret to the House of Commons. The world was already in full possession of every matter which the right

honourable and learned gentleman with such caution wished to conceal; and if the House did not agree with the producing the papers now asked, they shut the door against the truth, and against a principal truth, which led to the most material evidence. The consistency of the right honourable and learned gentleman throughout the whole of the transaction was admirable. He first, in the strongest terms which words could convey, reprobates the whole government of Mr. Hastings: then, on a change of politics, comes with a set-off against that which he reprobated. The set-off was a panegyric on the Mahratta peace. He must beg, therefore, to turn to the Journals of the House to bring to the right honourable and learned gentleman's memory that to which he had then agreed to: it was in No. 20, in the Appendix to the Tenth Report. As to the Ranna of Gohud, it was clear that in the treaty it was meant to desert him, although the promise of support was held out. The words were, "as long as he behaves with propriety;" and out of that prolific root constructions shoot forth, which were his ruin: constructions which were a complete defeazance of treaty — a defeazance which proved that he was sacrificed — that he was given up — that he was betrayed under the security of a British promise. This conduct, he insisted, was such as disgraced us with the whole world; the eyes of Europe were upon us in the present proceedings. The conduct of Mr. Hastings was well known, and justice, exemplary justice, was expected. What, then, would prove the remarks of all mankind, when they heard that the evidence, in the possession of Government, to bring that state criminal to justice, was withholden, because, forsooth, it would publish that which was already public; because it would make known that which was already no secret; because it would discover to the powers in India that system of politics with which they are already well acquainted. If, on the present occasion, the members of Administration and their adherents should prevent the success of the motion, all the world would, with reason, consider the name and character of a British Parliament as buried under indelible disgrace. In short, if the present motions were not granted, he said, the refusal would disgrace the British Parliament with the whole world.

The gallery was then ordered to be cleared, that the question should be put, when

Mr. Fox.

Mr. Fox rose, and desired to be favoured with a serious answer to his necessary question, Whether the professions of a determination to persist in a refusal of the papers were actually sincere? Surely there was nothing in the rule of conduct which the gentlemen of the other side laid down for themselves that did not argue most powerfully and convincingly

cingly for their production. If a specific purpose was necessary to be mentioned, and the object of the motion requisite to be explained, there was a pointed and specific charge in the treatment of the Ranna of Gohud, who was allowed, and indeed mentioned in former treaties, as the ally and friend of Great Britain, and neglected in the general peace which terminated the Mahratta war. This was the fact, as it appeared uncontradicted, and the House ought surely to inquire whether such desertion of the friends of this country was justifiable in the Governor General. To withhold any information on this subject would be not only unjust to Mr. Hastings, who was accused, but indecent to the House, whose honour was so much concerned in the full and rigorous examination of such a conduct. There was no behaviour whatsoever which would operate more injuriously to the British interest, either in this or any other quarter, than to find that its friendship was no protection to its allies. An unwarranted desertion, if such it could be proved, must certainly be considered as a great misdemeanor; and nothing was more necessary either to the character or vindication of the person accused than to explain the grounds on which he was justified. There might possibly exist a plea of necessity for this proceeding, and, for the present moment, he would admit that it did exist. But when there was a certain assurance the allies and defendants of Great Britain had been abandoned by her in a negociation, there was a crime *prima facie* evident, and the proceedings in that negociation should certainly be laid before the House, in order to convince them of that necessity. It would be very unfair, and indeed very improper, if gentlemen should have their feelings barely when their own honour or their own characters were at stake, and seem wholly unconscious of them, when the question was against the character of others. Thus the Ministers of the time, when the late peace was concluded, knew the defection from the Loyalists to be a conduct so much in need of justification, that they very decently came down to the House, in order to excuse themselves on the ground of necessity. Whether such necessity existed, this was not for him to discuss; but the means of inquiry on the subject were undoubtedly open. Why not then pursue the same line of conduct on the present occasion, when positive and direct charges were brought against the measure? If motives of necessity recommended the treachery, why was that necessity not explained? And if principles of policy dictated the conduct, why was not that policy made known? It was indeed alledged, that the interests of the country might be endangered by the disclosure which the papers would make: but in our Constitution there were both advantages and defects, and the same must also be true of every

every other constitution and species of government. We, however, were of opinion, that the advantages which we constitutionally possessed by far outbalanced the disadvantages; and it was one of the leading principles, to prefer the responsibility which belonged to our officers and ministers before the secrecy which was deemed so necessary in other countries. Then supposing (for he was far from admitting it) that some injury might be apprehended from the production of these papers, it was only the necessary consequence to which every investigation was liable; and there could be no inquiry of a public nature, in which circumstances did not come out which might better have remained a secret. The House, then, would do well to reflect what a precedent they were laying down, for all future public officers to take advantage of. For if this excuse should once be admitted, there was no circumstance, and no situation, to which it would not be found to apply. A right honourable and learned gentleman (Mr. Dundas) had, on this, as well as a former night, endeavoured to play off the conduct of Mr. Hastings, posterior to the Reports of the Committee, against the delinquency of his former measure, to which the right honourable gentleman had borne such full and ample testimonies in the course of these Reports. But what was the meaning of this language, or what other sentiment did it express but this? "I think his conduct since that period laudable and good, and I wish you to think so with me; but, in the mean time, I am resolved that you shall have no reason to think so beyond my assertion, and I will deny you the information which is necessary to convince you of it." Sufficient had been the remarks of his right honourable friend to prove, that not even the most trivial cause existed for those apprehensions of danger which gentlemen on the other side of the House, for reasons best known to themselves, thought proper to express; and therefore he trusted that the House would call for arguments less frivolous, before they gave their sanction to the withholding of the necessary papers.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* remarked, that he could not avoid expressing his astonishment at the unmerited rigour experienced on this occasion by his right honourable and learned friend, only because he had laid down a principle (apparently indispensable on similar occasions) that no vote should pass for the production of papers, unless their necessary application to a specific object were demonstrable beyond the power of dispute. The right honourable gentleman who took the lead in this prosecution had expressed and acquitted himself with a degree of candour and openness which redounded much to his credit: but he certainly did not offer arguments of sufficient force to evince the necessity of producing these

these papers. Disposed as he was to act through the whole of the business with the utmost impartiality, he could see nothing in the conduct of Mr. Hastings respecting the Mahratta peace which did not deserve the highest commendation. He had indeed effected it by dissolving a league of the most powerful Indian princes which could possibly become confederates for our destruction; and he was astonished that any man, who ever was a minister, who ever looked forward to be a minister, could think of censuring so successful and glorious an achievement. When this country should, at any time, be threatened with, or engaged in a war with its natural enemies, was there any Minister who, in opposing the house of Bourbon, would not think it the most meritorious of all services to be able to dissolve the family compact? and precisely in the same situation was Mr. Hastings respecting the Mahratta peace. He made it at a time when the continuance of war would have proved absolute and inevitable ruin, and he completed it with an address and ingenuity which did him immortal honour. He was not so conversant in Indian politics as the right honourable gentleman who preceded in the debate; but he certainly considered this part of Mr. Hastings's conduct in that light which he just now mentioned. How far other charges might be substantiated against him, remained yet to be determined. It was certainly a point of justice that delinquents should be punished; but this should be done with the nicest regard to public safety. When sufficient ground of guilt was laid down, there was certainly a reason for laying aside those prudential maxims which, on slight and cursory accusations, should be most strictly adhered to. If the papers now called for were granted, there would of course ensue various discoveries which might have ruinous consequences to our officers in India. There were certainly means used to detach the different princes one from the other; but to discover the mediums through which this policy operated would destroy the future confidence in British politics, and the field of negotiation which it was so essential to the prosperity of this country to enjoy; and it might not only be a bar to our future operations, but effect the situations of persons now in India, who were instrumental and serviceable in bringing about that great object. A right honourable gentleman had attempted to prove that those proceedings could be no secret in India, because all intelligence of that kind was fully communicated in the Indian Gazette. In order to show the weakness of that argument, he would only remind him of that period when his right honourable friend (Mr. Fox) went into office, when his country was labouring under the pressure of a war against combined and powerful enemies. His policy at that time was to detach a part of that confederacy

confederacy by offering separate terms to the Dutch, and, at the same time, proposing exclusive terms to the Americans. The attempt was certainly laudable, and, though unsuccessful, the right honourable gentleman had undoubtedly the merit of deserving well of his country. But would it, therefore, be just to assert that any country in Europe knew the detail and particulars of these negotiations, because there were Gazettes in England and Holland? Certainly not. The right honourable gentleman had, however, strengthened his arguments by reasoning not only on the motion immediately before the House, but also on others which he intended to put. He should applaud such a conduct in general, as it would save much time, and be equally proper where the connection between them was so intimate. But he would not admit him the full extent of his observations in accusing a right honourable gentleman of opposing all his motions, while he argued only on one particular subject. There was one of his motions which he certainly would not oppose, because there was laid a sufficient ground of inquiry: he meant that respecting the Ranna of Gohud. However he might differ with him respecting the propriety of the Ranna of Gohud being excluded from the peace, he certainly thought it a fair subject of interrogation. This man, he understood, previous to the Mahratta peace, had entered into a separate negotiation with Moodhajee Scindia for himself, without the knowledge or concurrence of the Governor General of Bengal. After being detected in this act of infidelity, it was not strange that he should not be admitted to the benefit of a peace which was meant to serve the friends, and not the foes, of Great Britain. It was not against such a motion that his objections should ever be brought forward; and even with these ideas did he hold himself fully justified in positively resisting that motion, of which one consequence must be a disclosure of secrets which sound policy required us to preserve inviolable.

Mr. Fox.

Mr. Fox said, that he felt it necessary to bring into clearer points of view some allusions started during the course of the debate, and even touched upon beyond the walls of Parliament. These went to the subject of his negotiation for a separate peace with Holland. He was well aware that the right honourable gentleman did not mention it by way of blame, nor did he wish to impute to him any such intention; but as it had so often been glanced at, he was glad to have the opportunity of speaking two or three words to it in this public manner. He was sorry that the House was so thin of members, but he was pleased to see so full a gallery. When the measure, of detaching Holland and America from the coalition which was formed against us, was first proposed,

was only three days in office, and consequently was obliged to meet those people in the Cabinet from whom he was accustomed to differ upon political subjects; and yet, what was a circumstance that did not often happen, he had the honour to propose that measure with the unanimous concurrence of all His Majesty's Cabinet Ministers. This he thought himself at liberty to mention, because, though it might be improper to state the dissensions or disagreements in the Cabinet, there would certainly be no impropriety in mentioning their unanimity. He would farther observe, that this policy was by no means ineffectual as to some of its objects, though, in others, it certainly had not the wished-for success: for these gentlemen who were then in office might well recollect, that the disposition of some courts in Europe was not then extremely favourable to the country, and that the measure now alluded to had at least the effect of averting these consequences which might otherwise have been apprehended. Having said this much for the allusion, he would next return to the propriety of admitting the present papers. He observed, that it was expressed in the treaty subsisting between the Company and the Ranna of Gohud, that he was to be protected by the powers of Great Britain against their mutual foes. In consequence of which, he had lent his services during the war, and was to have been of course included in the peace. There were also (according to Mr. Hastings's own letters) several other Rajahs and Princes who had the same, or similar, claims upon the protection of Great Britain; and yet it appeared from the Mahratta peace, that none of them were included in the provision of it. This was not the time to argue from what motives, or upon what policy it was done. But the omission was *prima facie* evidence of either treachery or guilt, to obviate, or to substantiate which, was the object of the present motion, and was, in his judgement, a debt claimed as well by the justice due to the sufferers in India, as to the dignity of Parliament and the acquittal or condemnation of Mr. Hastings. He agreed with the right honourable gentleman, that it was not sufficient ground for the production of all papers, to say one gentleman is the prosecutor, and would pledge himself to prove their application to the object in view. But, in the present case, the production of the papers could not be followed by any political peril whatsoever, and the strongest reasons existed in favour of the disclosure of their contents.

Mr. Burke remarked, that the right honourable gentleman, Mr. Burke. (the Chancellor of the Exchequer) like a cautious warrior, instead of attacking the main body of the forces of his enemy, had remained satisfied with mere skirmishes and the pillaging of the stragglers in the rear. He by no means asserted the

Gazette informations to be that on which the princes of India most relied for information; but he contended, that so complete was their knowledge of every circumstance relative to that peace, that what was made secrets of in the House of Commons of England, were matters of notoriety in India, and had been published in most of their papers. But the source of their intelligence was such as could not fail them; for the most enormous sums were expended in procuring spies, even in official situations in our settlements; and, by comparing notes, they had fully and substantially discovered that treachery which our officers employed against them individually; the consequence of which was, that they had now formed a league of an offensive import against our settlements, which would be best and most effectually opposed, by taking such measures here as would shew them that these offences, at least, were not to have the sanction of the Parliament of Great Britain. Having read several extracts, as well from the Reports of the Committee of Secrecy, as from the treaties which lay upon the table, Mr. Burke expressed his hopes, that, as he undertook the arduous and disagreeable duty of moving certain resolutions which could lead the Commons of Great Britain into an effectual prosecution of the man whom they had before condemned, he should be allowed those papers which he deemed necessary for the purpose, as well as for the justice which we owed the miserable inhabitants of a desolated country, whose injuries he had never lost sight of, and was determined to persevere since the first moment he became acquainted with them, and in whose cause he would not relax his exertions. If, on the contrary, a majority should, by their dissenting voices, deprive him of the opportunity to gather up materials indispensably requisite for the most complete substantiation of his charges, he must avail himself of scattered pieces, and try from these to stamp validity upon his accusations.

[The House was again proceeding to divide, and the strangers ordered to withdraw; but the debate continuing for some time longer, the gallery was again opened. In the interval between exclusion and admission, Mr. Pitt and Mr. Wyndham spoke.]

1c. Wil-
berforce.

Mr. *Wilberforce* professed himself much unacquainted with Indian politics, and would therefore confine himself to a recommendation to the Minister to be extremely cautious how he should suffer any papers to be produced which were likely to do injury to the state. The danger of producing those papers at a time so near the transaction of the peace, might have the most serious consequences to those who were concerned in the business, and who might perhaps be in confidential situations with those very princes whose secrets they might

might have revealed. He cautioned the House not to be led into any warmth from the circumstances which were liable to be mentioned on these occasions, requesting, at the same time, that the gentlemen on the other side would not persist in harassing Ministers with a demand of papers which they knew could not be complied with.

Mr. *Burke*, in reply, said, the honourable gentleman had acted the part of a wise man in offering his advice, when he was certain it would be taken; but at the same time might have spared his reproachful admonition to him, who had certainly no design of embarrassing Ministers by his conduct. But he thought it no good omen to the cause, if papers of so simple and fair a nature were subjects of embarrassment to those now in power.

Major *Scott* contended that the Rajah of Cohud was not entitled to any provision in the peace then made. He also vindicated Mr. Hastings with regard to the omission of another Rajah in the Mahratta peace, which was done at his own request. He then observed, that the difference now subsisting between the right honourable gentleman (Mr. Fox) and Mr. Hastings was not greater than that which prevailed between him and his noble friend in the blue ribband; nor were his charges more severe against the one than against the other. In all the proceedings against Mr. Hastings, and amidst all the abuse poured out against him, he (Major Scott) had never entertained the smallest apprehensions, nor ever made any overtures of accommodation. On the other hand, when the right honourable gentleman brought in his India bill, an intimation was given, in a private conversation, which he had with a person of authority, that matters might be accommodated; and he made no doubt, had Mr. Hastings then come home, he would have heard nothing of all this calumny, and all these serious accusations.

Mr. *Fox* immediately rose, and said, that, on a subject which concerned his honour and character, he would not hesitate a moment to offer himself again to the House. He would first premise, that at no period could he declare that offers were made to him, either by Mr. Hastings or his agents, in order to bring about an accommodation; for if there had, he would instantly have treated them with the most absolute and marked refusal. At the same time he would assert, upon his honour, that no proposal whatever was made to Mr. Hastings or his friends, with either his knowledge or his concurrence; and he was also certain that no such proposal ever came from any of his colleagues. So that whoever made, or even hinted at such an offer as coming from him, did it without the smallest shadow of authority. Indeed it frequently happened, that, during consultations which he had with his friends

friends on the subject of his India bill, it had often been intimated to him, that it would be better to drop all proceedings against Mr. Hastings, as being a powerful enemy; but he would never listen to any advances of this nature: nay, so far was this from being understood an authoritative offer by the honourable gentleman (Major Scott) himself, if any offer had been made, that he objected to him in that House, that he made the complaints against Mr. Hastings the principal ground and excuse for the provisions of his bill. If so, then how absurd would it be to require, or even to accept, his support of it.

Maj. Scott. Major Scott still insisted that the proposal had been made to him; but as the gentleman from whom it came was not now present, he would wave all farther explanations until he saw him in his place.

After this the House divided on Mr. Burke's motion, when the numbers were,

Ayes	-	-	-	-	-	-	-	-	-	44
Noes	-	-	-	-	-	-	-	-	-	87

Majority - - 43

Mr. Burke now moved the following motions:

"That No. 20 of the Appendix to the Tenth Report, which was made from the Select Committee, appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, containing copy of a letter from Mr. Hastings to Colonel Muir, dated Chunargur, 10th September, 1781, and also translate of an agreement between Colonel Muir, on the part of the English Company, and Mahajee Scindia for himself, dated 15th October, 1781, might be read;" and the same was read accordingly.

"That the articles of agreement, made and concluded at Fort William, in Bengal, between the Governor General and Council, for the affairs of the East-India Company, on behalf of the said Company, on the one part, and Maha Raja Luckindar Bahadur, Ranna of Gohud, for himself and his successors, on the other part, inserted in No. 239 of the Appendix to the Sixth Report, which was made from the Committee of Secrecy, appointed to inquire into the causes of the war in the Carnatic, and of the condition of the British possessions in those parts, might be read;" and the same was read accordingly.

Then the question being put, "That there be laid before this House, copies or duplicates of all papers relative to the last peace with the Mahrattas, or any demand made by the Mahrattas concerning the cession or restoration of any territories now in the possession of the Company, or its allies,"

"or

" or of the payment of any chout, (or fourth part of the revenues) or of any sum in lieu thereof, or concerning any payment of money, or loan, to any of the said Mahrattas, made or paid since the 1st of January, 1779," it passed in the negative.

Mr. Burke then moved,

" That there be laid before this House, copies or duplicates of all letters concerning the delivering up of Ragonaut Row, the Rajah of Bopal, or the Ranna of Gohud, or concerning the terms by which Futty Sing Guicawar, as also all letters of Lieutenant-colonel Camack, or Colonel Muir, pointing out the nature and extent of our connections with each of the Rajahs engaged with the Company in any act of hostility, and the claims which their past services may have given them to our protection."

" That an act, made in the 13th year of the reign of His present Majesty, intituled, ' An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe,' might be read;" and the same was read accordingly.

" That there be laid before this House, copies or duplicates of all letters concerning the delivering up of Ragonaut Row, the Rajah of Bopal, or the Ranna of Gohud, or concerning the terms by which Futty Sing Guicawar, as also all letters of Lieutenant-colonel Camack, or Colonel Muir, pointing out the nature and extent of our connections with each of the Rajahs engaged with the Company in any act of hostility, and the claims which their past services may have given them to our protection." It passed in the negative.

Ordered, " That there be laid before this House, copies or duplicates of all correspondence relative to the Ranna of Gohud, not included in the Reports of the Committee of Secrecy, and to any application from him concerning the proceedings against the said Ranna by Scindia, the Mahratta General, together with all the minutes, or other proceedings thereon, since the year 1781."

The House adjourned.

Monday, 6th March.

Mr. Lewis brought in the bill for building a bridge across Menai Strait, from Carnarvonshire to the Isle of Anglesea, which was read a first time, and ordered to be read a second time. On the motion being put, " That this bill be read a second time upon that day fortnight,"

Mr. Parry observed, that he had been instructed by his constituents (who meant to oppose the bill) to desire that sufficient

cient time might be allowed them to send up witnesses, which they wished to have examined against the bill; and therefore he should move, by way of amendment, to leave out the words, "this day fortnight," and insert the words, "this day month."

Mr. Drake, jun. desired the House to understand, that they were called upon to vote for deferring the preservation of human lives; for such, in fact, was postponing the passing of such a bill as the present. Not longer since than the 5th of December, sixty or seventy people were lost in crossing the Menai. The account of that fatal accident must have harrowed up the feelings of every gentleman present; and he hoped that it would stimulate their humanity to display itself in giving all possible efficacy and expedition to the passing of a bill which had so laudable an object for its purpose.

Mr. Burton and one or two other gentlemen spoke on the subject, when the House proceeded to divide; but, after the gallery was cleared, it was given up; and the House determined that the bill should be read a second time upon the twenty-first.

The order of the day, for going into a Committee of Supply, having been read, Mr. M. A. Taylor took the chair, when

Mr. Chancellor Pitt rose, and moved, as modifications of the act imposing certain duties upon retail shops,

"That all the duties charged by an act, made in the last session of Parliament, intituled, 'An Act for granting to His Majesty certain Duties on Retail Shops,' (except the duties charged upon any house, the annual rent whereof shall be thirty pounds or upwards) do cease, determine, and be no longer paid or payable."

"That in lieu, and instead of the duties charged upon such houses, there shall be raised the following rates: that is to say, for and upon every house or other building, any part of which shall be used as a shop, for the purpose of selling by retail any goods, wares, or merchandizes, of the yearly rent or value of five pounds, and under ten pounds, there shall be paid the annual sum of four pence in the pound of such rent: for and upon every such house, &c. of the yearly rent or value of ten pounds, and under fifteen pounds, there shall be paid the annual sum of eight pence in the pound of such rent: for and upon every such house, &c. of the yearly rent or value of fifteen pounds, and under twenty pounds, there shall be paid the annual sum of one shilling in the pound of such rent: for and upon every such house, &c. of the yearly rent or value of twenty pounds, and under twenty-five pounds, there shall be paid the annual sum of one shilling and
"three

“ three pence in the pound of such rent: and for and upon
 “ every such house, &c. of the yearly rent or value of
 “ twenty-five pounds, and under thirty pounds, there shall
 “ be paid the annual sum of one shilling and nine pence in
 “ the pound of such rent.”

Mr. Alderman *Le Mesurier* expressed his hopes, that, as Mr. Ald. Le Mesurier.
 the two resolutions were perfectly new to the Public, the
 right honourable gentleman would not call upon the Com-
 mittee to vote them immediately, but let them lie upon the
 table during the space of two or three days, in order that the
 metropolis might have time to know what they were, and
 how, in consequence of their nature, the tax would become
 lightened. He feared that the two resolutions would afford
 but little satisfaction to the shopkeepers of London, upon
 whom the weight of the tax chiefly rested. The alteration
 of the quantum of tax to be paid for all houses rented at 20l.,
 25l., and 30l., could not prove any alleviation to the major-
 ity of the shopkeepers of London, Westminster, and South-
 wark, because in very few of the streets of the metropolis,
 and so more especially in that part of it called Southwark
 did the shopkeepers reside in houses so low rented as from 20l.
 to 30l. He was not one of those to grudge another his good
 fortune, merely because he had not the happiness to be equally
 fortunate; and therefore he rejoiced that the country shop-
 keepers were to obtain material alleviation, as they must ne-
 cessarily be in consequence of the modification which the
 right honourable gentleman had just proposed; but he might
 be permitted to remark, that the modifications in question
 were an additional proof of the partiality of the tax with re-
 spect to the town shopkeepers.

The motions passed.

The estimates of the Ordnance having been referred to the
 Committee of Supply,

Captain *James Luttrell* stated, that, during the course of the Captain J. Luttrell.
 present year, no debt had been incurred; neither did any un-
 provided services exist: a circumstance unparalleled, he be-
 lieved, at any prior period. Such was the œconomy of the
 Board, that they had so far enforced their plan of proceeding
 as to avoid calling upon the House for any thing, except
 what appeared in the estimates; and these stood as follows in
 their relation to the charge of the Office of Ordnance for the
 year 1786:

LAND SERVICE.

ORDINARY.

Salaries and rents to the Master General, principal officers, clerks, and attendants, employed at the Tower	£.	s.	d.	£.	s.	d.
Tower	—	—	—	15266	8	—

And at the following places, viz.

Greenwich, Windfor, Hampton Court, and St.						
James's	—	—	—	226	—	—
Woolwich	—	—	—	1334	10	—
Purfleet	—	—	—	541	5	—
Gravefend and Tilbury	—	—	—	255	—	—
Chatham	—	—	—	600	—	—
Upnor Castle	—	—	—	80	—	—
Sheerness	—	—	—	380	—	—
Feverham	—	—	—	290	—	—
Dover	—	—	—	120	—	—
Portsmouth	—	—	—	814	15	—
Priddys-hard	—	—	—	170	—	—
Plymouth	—	—	—	644	15	—
Keyham Point	—	—	—	170	—	—
Storekeepers at Pendennis, Scilly Island, Chester						
Castle and Liverpool, Berwick, Carlisle, Tin-						
mouth Castle and Clifford's Fort, Hull, Yar-						
mouth, and Landguard Fort						
				430	—	—
Guernsey	—	—	—	448	2	6
Jersey	—	—	—	448	2	6
Isle of Man	—	—	—	166	—	—
Rent for use of land and houses	—	—	—	554	17	—
Establishment of the laboratory at Woolwich, and for proving powder	—	—	—	1876	5	—
Establishment of the office of Inspector of Artillery, and for proving guns	—	—	—	923	7	6
Establishment of the office of Superintendent of Military Machines	—	—	—	282	17	6
				£. 26022	5	—

One half of which is charged to the Sea Service — 13011 2 6

Pay of Civil Officers and Artificers at

North Britain	—	—	—	—	554	10	—
Gibraltar	—	—	—	—	1411	7	6
Jamaica	—	—	—	—	292	—	—
St. Christopher	—	—	—	—	584	—	—
Antigua	—	—	—	—	584	—	—
Dominica	—	—	—	—	584	—	—
Carried over				—	£. 17921	—	—

	Brought over	£.	s.	d.
St. Vincent	—	1702	1	—
Barbadoes	—	584	—	—
Grenada	—	584	—	—
Bahama Islands	—	474	10	—
Quebec	—	861	13	—
Halifax	—	662	5	—
New Brunswick	—	629	12	6
St. John's and Placentia, Newfoundland	—	1277	10	—
Pay of master gunners at the several garrisons and batteries in Great Britain, and of the gunners at St. James's Park and the Tower of London, with their allowance for coals and candles		3416	17	6
Charges incident to the Tower, and the several other forts and garrisons in Great Britain, Guernsey, and Jersey, in taking remains of stores, pay of labourers, books, paper, coals, candles, cartage, messages, and postage of letters		18000	—	—
Ordinary repairs of fortifications, bridges, gates, platforms, barracks, storehouses, pallisadoes, making new and repairing old carriages in the several forts and castles in Great Britain, Guernsey, and Jersey		15000	—	—
Furnishing beds, bedsteads, sheets, &c. and repairing the same, at the several forts, castles, and garrisons in Great Britain, Guernsey, and Jersey		4379	4	7
Expence of stores and ammunition for garrisons, and small stores for the common duty of regiments, in Great Britain, Guernsey, and Jersey		6000	—	—
Cleaning and repairing small arms in the Tower		2000	—	—
Pay of the corps of Engineers		10402	10	—
Pay of the royal regiment of artillery, consisting of 3282 men, officers included		10646	5	2
Establishment of the civil officers, professors, and masters of the Royal Military Academy at Woolwich		1798	12	6
Establishment of draughtsmen in the Tower of London, for service in Great Britain and foreign garrisons		2023	13	—
Pay of superannuated and disabled men, half pay of reduced officers, widows' pensions, and allowances to officers for good services; pursuant to His Majesty's warrants		20569	11	6
Sums to be paid at the Treasury, and at the Exchequer, for fees on the sum of 300,000 <i>l.</i> 1 <i>s.</i> 1 <i>d.</i> being the amount of this estimate		646	—	—
Ordinary		£. 213382	14	9

EXTRAORDINARIES.

NEWFOUNDLAND.

	£.	s.	d.	£.	s.	d.
For repairs of fortifications, barracks, and quarters for officers, staff, contingencies, and current service	—	—	3000	—	—	—
For fuel for the troops	—	—	1500	—	—	—
				4500	—	—

QUEBEC.

For staff, contingencies, and current service	—	—	1500	—	—	—
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JAMAICA.

For staff, contingencies, and current service	—	—	1500	—	—	—
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BAHAMA ISLANDS.

For contingencies and current service	—	—	1000	—	—	—
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WEST-INDIA ISLANDS.

For staff, contingencies, and current service	—	—	6000	—	—	—
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GIBRALTAR.

Pay of the company of artificers	—	—	4492	10	10	—
For staff, contingencies, and current service	—	—	3840	—	—	—
For excavation of the Souterrain works	—	—	1181	11	6	—
For re-establishing quarters, and repairs of barracks	—	—	3900	—	—	—
For ordinary repairs of fortifications, storehouses, magazines, &c.	—	—	3300	—	—	—
For providing and burning lime	—	—	1350	—	—	—
For supply of bricks and other materials, to carry on the foregoing works	—	—	1200	—	—	—
For repairing roads, drains, communications, &c.	—	—	450	—	—	—
For extraordinary repairs of works	—	—	10000	—	—	—
				29714	2	4

SCOTLAND.

For repair of the several forts, castles, and barracks in Scotland, staff, contingencies, and current service	—	—	5000	—	—	—
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TINMOUTH CASTLE, &c.

For repair of the batteries and works at Tinmouth Castle, Clifford's Fort, and Tinmouth barracks	—	—	1000	—	—	—
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CINQUE-PORTS DIVISION.

For staff, contingencies, and current service	—	—	1000	—	—	—
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FEVERSHAM.

For buildings, necessary works, and implements for carrying on the manufacture of gunpowder	—	—	2000	—	—	—
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Carried over — — £. 53214 2 4

A. 1786.

D E B A T E S.

307

Brought over — £. 53214 2 4

CHATHAM.

For repair of the barracks at Chatham, and for repairs of Gillingham, Cockhamwood, and Hownefs Forts, staff, contingencies, and current service	—	—	1500	—	—
For repairs of the powder magazines, &c. at Upnor Castle	—	—	1000	—	—
			<hr/>	2500	—

SHEERNESS.

For repair of the breakwaters, staff, contingencies, and current service	—	—	<hr/>	1000	—
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WOLWICH.

Towards the extraordinary expences of the laboratory	—	—	2000	—	—
For staff, contingencies, and charges, attending the barracks	—	—	1000	—	—
			<hr/>	3000	—

PORTSMOUTH.

For staff, contingencies, repairs of old works, and other buildings, at Portsmouth, and various places in the division, and for current service	—	—	6000	—	—
For the works near the dock yard	—	—	3000	—	—
			<hr/>	9000	—

GOSPORT.

Towards carrying on the works at Fort Monckton	—	—	10000	—	—
For staff, contingencies, and repair of barracks and the lines	—	—	1000	—	—
			<hr/>	11000	—

PLYMOUTH.

For staff, contingencies, and repairs of the citadel, and various places in the division, and for current service	—	—	<hr/>	2000	—
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REGIMENT OF ARTILLERY.

For contingencies	—	—	<hr/>	5000	—
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Extraordinaries	—	—	86714	2	4
Ordinary	—	—	213382	14	9

Ordinary and Extraordinaries — £. 300096 17 1

RICHMOND, &c.

Master General of His Majesty's Ordnance.

W. HOWE,

JAMES LUTTRELL,
J. ALDRIDGE,G. CRAWFURD,
THO. BAILLIE.

In conclusion, Captain Luttrell moved, "That a sum, not exceeding twenty-five thousand pounds, be voted for the expence of Ordnance for land service for the year 1786," meaning to apply the 50,000*l.* in hand to the same use.

Mr. Herbert.

Mr. *Herbert* stated, that, as the intended system of fortifications, for the defence of the dock yards, was set aside, something ought to be done towards quieting the claims of those persons whose lands and houses had been taken from them to make room for the fortifications, and who had not as yet been able to receive the value, the rent, or any sort of return.

Mr. Holdsworth.

Mr. *Holdsworth* observed, that, in having given his vote against the system proposed, he did not mean that it should be imagined that his opinion was that no fortifications were necessary. He only designed to vote against the proposed system, or any other which went upon the idea, that the whole of our navy might be out of port at one time: an idea which he could subscribe to as very likely to happen. He had taken the trouble to examine the present estimate, and compare it with the Ordnance estimate at the commencement of the last peace: he wished, therefore, to ask the honourable gentleman opposite to him two or three questions, and he really should ask them with no other view than a desire to obtain information. The amount of the Ordnance estimates altogether was much larger this year than in the year to which he had referred. He wished to know the reason? The corps of engineers, and the royal regiment of artillery, were also considerably increased in numbers, and consequently in expence. He should be glad to know why this was so? Another question he wanted information upon was, Whether the expence of invalids was included in the charges for engineer corps and artillery?

Mr. Luttrell.

Mr. *Luttrell* answered, that the Ordnance estimate for the present year, when examined, would be found to be, on the average of a number of years, about the same with the estimates of the last peace: that, in fact, the expences of the department of Ordnance were more increased under several heads than usual, and that next year there would be greater charges still under the head of extraordinaries. This increase was unavoidable. With regard to the corps of engineers, great complaint had been made at the commencement of the last war that there were so few engineers; and therefore the corps had been augmented in number, and consequently the expence incurred on that account was larger. The regiment of artillery was also increased. Mr. *Luttrell* professed himself ready to give honourable gentlemen any explanation on any part of the subject which they might wish to receive.

Six

Sir *Grey Cooper* said, that he rose not to speak to the question, but merely to the form and order of their proceedings. Sir *Grey Cooper*. The motion appeared to him irregular. The amount of the Ordnance estimate was 300,000l.; therefore, in point of form, the resolution should state that sum, and afterwards, in the Committee of Ways and Means, provision might be made for the 50,000l. in hand, in consequence of the system of fortification round the dock yards, for which it had been voted, having been advanced.

Mr. Chancellor *Pitt* remarked, that he perfectly coincided with the opinion of the honourable Baronet, that the motion was inaccurate, and that the whole amount of this estimate ought to be voted in the Committee of Supply, and the 50,000l. lying in the Exchequer be brought to account in the Committee of Ways and Means, and there disposed of for the service of the year. Although the House had come to no specific resolution on a former night, when the subject of the fortifications was before them, declaratory of its sense of that measure, the words of his motion having been negatived, and those proposed to be substituted in their stead having been withdrawn, yet, as their general opinion was easily collected from what had passed in that debate, it should be a law to him, however he might regret the failure of a plan which he did most sincerely think extremely beneficial to the Public. He joined in opinion with an honourable friend, that the whole system of fortifications had not been condemned, but that the sense of the House was only to be understood as being adverse to fortifications to the extent in which they had been proposed; and he was perfectly convinced that the principles on which gentlemen had argued and voted against the fortifications were extremely meritorious and well meant; nor did he by any means pretend to hold that those who opposed them were bound to suggest any plan of fortification or security for our dock yards in room of that which they had rejected. It was the duty of His Majesty's Ministers alone to devise the means of public defence, and of Parliament to approve or condemn; and if those means which appeared to Administration to be the best were rejected, they were bound to produce such as they thought next best. In the present estimate it would be found that there were two sums stated for the purpose of fortifications; however, part of the general plan which had already been disapproved by Parliament (he apprehended) would come within the description of such parts of it as seemed to be excepted against by such gentlemen as were in opposition to the whole. There was a sum of 10,000l. for Fort Monckton, and of 3000l. for completing the lines at present subsisting for the defence of the dock yards, which, from being unfinished, was nearly in the same state as if a successful

successful attack had been made, and a breach accomplished. If, therefore, it were not to be completed, it would be absolutely useless, and it would consequently prove more advisable to level the whole, and convert the materials to some other purpose. These lines were calculated to protect the dock yards from immediate destruction, in case an enemy should debark at the most obvious and practicable places of landing at South-Sea Castle, or the place where Fort Monckton stood; and therefore, together with that last-mentioned place, he apprehended the sense of every gentleman was, that if any part of the plan ought to be adopted, it was that which related to the completing those two works.

Mr. Fox.

Mr. Fox said, that it gave him much pleasure to reflect, that, when the right honourable gentleman expatiated upon the nature of ministerial responsibility, his remarks were unexceptionable. He had very properly declared that he had no right to demand from any gentleman, who voted against the fortifications, a plan to supply the place of that which had been rejected. It was, however, a different language from that which he held upon the late debate concerning this subject; but he supposed the conduct of the right honourable gentleman on that occasion proceeded from the effects of disappointment. It was undoubtedly the duty of Ministers to furnish plans for the public defence and service, and to submit them to the judgement of that House, who had nothing to do but simply to approve or reject; and, in case of the latter, Ministers were to supply the place of such plans as were rejected with others less exceptionable. The very meaning of the word responsible was a sufficient proof that it could not apply to the whole House of Commons; for how could they answer to a charge which alone implied responsibility? Indeed, from the singular manner in which the question alluded to had been determined, it would prove more easy to fix the responsibility on one individual person; but he should be very sorry to hear it contended, that the Speaker of the House, or the Chairman of a Committee, should be regarded as answerable for the votes of that House. For his own part, he could not entertain the most distant idea of opposing so slight a charge as 3000*l.* for the completion of the unfinished works at Portsmouth; yet he must beg leave to signify his earnest wishes that Administration would not venture to solicit this grant from the House without a previous declaration that the unsupported state of the dock yards rendered it indispensably requisite.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt answered, that the right honourable gentleman had ventured to throw out an insinuation which called for an immediate reply. He chose to signify that his approbation of the sentiments which he (the Chancellor of the

the Exchequer) had uttered during the course of the present debate was much greater than any which he could confer upon those opinions which he delivered during a preceding day, concerning the subject of fortifications: opinions which he acknowledged himself ready to consider as the effects of disappointment. Mr. Pitt professed himself willing, to grant that he was most severely disappointed; yet was it, he asked, a disappointment of a personal object? Of such a disappointment only he should be asked to shew the effects; but he was always ready to avow the sense which he should feel of a disappointment in his hopes of promoting the public welfare. On such occasions he experienced, and constantly should experience, concern for the sake of the Public only; and he flattered himself that his disappointment at the rejection of any plan of his would, at all times, proceed from the same causes which might induce him to propose his plans—his anxiety for the welfare of his country. On such occasions, therefore, he should give the right honourable gentleman leave to make use of the language which he had uttered, but which he was also fond of proceeding to, when he was less entitled to this freedom, and when he must not expect to meet with so ready an acquiescence on his part. It was, however, rather singular that the right honourable gentleman should now approve of his language on this day, and have disapproved of it before; for it happened that on both days his language had been exactly the same—that it was the duty of His Majesty's Ministers, and of no other, to contrive and produce proper plans for the public service; and if that House disapproved of such plans, then to suggest others in their stead; and although they were not answerable for such misfortunes as might arise from the rejection of their plans, yet they were highly accountable if they should omit the means, whatever they might be, of remedying the evils resulting from the rejection of the original plan; but he imagined that so soon after the event of the last debate on the subject of fortifications, it would not be expected that Ministers should come forward at that time with a new system. He went over the general grounds of the former debate, and pointed out the different objects to which the consideration, first of the Ministers, and afterwards of the House, ought to be directed, when any new system was to be adopted, as first, whether to fortify the landing places most adjacent to the dock yards, whether to fortify the dock yards themselves only, or whether to fortify both; for as to the fortifying the country surrounding the dock yards, that seemed to him to be the part of the plan of which chiefly the House had expressed its disapprobation. In conclusion, Mr. Pitt remarked, that,

that, in his idea, the services to which the right honourable gentleman alluded were positively necessary.

Mr. Fox. Mr. Fox replied, that none of the observations which had just fallen from the right honourable gentleman were sufficiently cogent to gain over his retraction from the remark, that all responsibility rested with Ministers, and not with that House; but he was ready to admit that the right honourable gentleman had put it very fairly in his last speech, notwithstanding he had chosen to persist in calling his language of that day, and on the 28th instant, one and the same language. For his own part, he would vote for the present estimate, without exception, as the sum asked for fortifications was so small, and, in confidence, the right honourable gentleman having declared, that he considered the repair of Fort Monckton, and other works, as unavoidably requisite.

Colonel
Norton.

Colonel Norton declared, that, in voting against the extensive plan of fortifications on the 28th of February, he meant no more than to signify his objection to that particular plan.

Ed. Hood.

Lord Hood observed, that he rose to correct some misapprehensions of the opinions with which he troubled the House on a preceding night. His argument had not gone to the idea, that the whole of our navy would be out at sea at the same time, but merely to prove that any thing which tended to give internal security at home, so as to enable our home fleet to be free to act as the occasions of war might require, was extremely eligible, and fit to be adopted. He would elucidate what he meant, by putting a case which, doubtless, would render his meaning obvious to his right honourable colleague, and to every man present. If the enemy's fleet should come to the mouth of the Channel, with a view to intercept and capture our merchantmen as they either sailed home from the East and West Indies, or on their way to both, would it not be admitted that we ought to send our home fleet to fight there? It would, he imagined, be granted on all hands, that we should. Suppose, then, the enemy had previously stationed a large body of troops on their coast, with a view to seize a fit opportunity of landing them on our island, in order to strike some effectual blow; and when our home fleet came up to the enemy, they should sail into the ocean, ought we in that case to follow them? He believed no body would deny that we ought; because if we did not, we immediately manifested to all mankind that this country could only maintain a defensive war, and every body knew that a defensive war was what this country could never support. Then the case being so circumstanced, if our dock yards were fortified, the enemy would be checked upon their invasion, and our home fleet might nevertheless be away. Under this consideration it was that he had voted for the proposed

proposed 'system of fortification ; nor did he doubt but that the unanimity with which the land and naval officers approved of the plan for erecting fortifications was, in part, grounded upon motives similar to his own.

Captain *Macbride* contended that the naval officers did not unanimously approve of that plan. They had been tricked into an appearance of granting their approbation of what, in fact, they did not approve. The Report was artfully drawn, and the provisos and objections so transposed as to make the naval officers seem to have changed their opinions. When he came to the Horse Guards, and was called on to sign, he objected, and said, " Surely his name ought not to appear as " approving the plan ;" when he was told, if he did not sign, it would not appear that he had been of the Board. He indeed approved highly of introducing a sluice of fresh water into Plymouth dock yards, which would, he supposed, incur an expence of about 20,000*l.*, and prove exceedingly advantageous.

Mr. *Bassard* declared his opinion to be strongly in favour of fortifications of some sort ; and said, that whenever a proper plan should be proposed, and fairly submitted to a board of naval and military officers, and it should be afterwards sanctioned by their approbation, he would vote for such a plan as satisfactorily as he had voted against that of the noble Duke at the head of the Ordnance.

Mr. Alderman *Hammett* spoke in justification of the plan for which (he said) he had voted. The noble Duke, he declared, was as firm and zealous a friend to the Constitution as any man living. He had great and shining talents, and reflected lustre on every Cabinet of which he was a member.

Captain *Luttrell* begged leave to advise his honourable friend (Captain *Macbride*) who, he said, had lately turned orator, not to imitate the example of chimney sweepers, and the lowest of the rabble, in calling names, and dealing out personal abuse, when debating in that House. Talking of the naval officers having been tricked out of their opinions by a noble Duke, was an insult to their understandings.

Captain *Macbride* replied, that the honourable gentleman might rest assured he would not take him for his pattern.

Mr. *Dempster* lamented exceedingly that he should see an Ordnance estimate amount to so large a sum in time of peace. He declared that he had taken the trouble to examine the Ordnance estimates voted for many years past; that from the peace of Utrecht to the next war, the amount had been no more than 91,000*l.* a year, and from the peace of Aix-la-Chapelle to the American war, (distinguished by Mr. Pitt's glorious conduct of it) the estimate had never arisen above 110,000*l.*, or thereabouts. He stated also what it had

amounted to from the peace of Paris till the last most unfortunate American war, and then stated the amount of the Ordnance during the Duke of Marlborough's wars in the reign of Queen Anne, contending that the estimate at this day (a day of profound peace) was higher in amount than it had been during the Duke of Marlborough's wars. He condemned the voting 2000 additional seamen this year, and said, that we ought to be rigidly economical now that we had no enemy to cope with but the three per cents. the four per cents. the long annuities, and other funds. He advised the Minister to wage a warm and vigorous war against those enemies.

Captain
Berkeley.

Captain *Berkeley* adverted to what had fallen in the debate on the fortifications from an honourable General, (Burgoyne) who had said that he would defend this country by having an Austrian army on the banks of the Rhine. Whatever alliances we made, of course they would contain stipulations obligatory upon us in return for the matters stipulated on their part to perform in our behalf. He adverted to the barrier treaty, in which the Dutch had engaged to build forts for the Emperor, and asked whether we would build forts in Holland, if we were told it was unconstitutional? The tendency of his argument went to prove that it was more easy to talk of alliances than to form them, and that fortifying our dock yards would have insured us security without pledging us to perform services for allies which might prove extremely inconvenient.

Mr. Ald.
Sawbridge.

Mr. Alderman *Sawbridge* protested that no man had entertained a higher opinion of the economy of the noble Duke, and of his zeal to preserve the freedom of election; he was sorry, therefore, to be under the necessity of accusing him of gross wasting of the public money, and a direct attempt to subvert the freedom of election. These charges, however, he would undertake to prove. Mr. Sawbridge then stated, that certain vessels belonging to Queenborough were employed by the Ordnance in carrying stores. These vessels cost Government a great deal annually, full 1500l. a year; and when a noble Viscount (Townshend) presided at the Board of Ordnance, a scheme was projected to employ three hoys instead of these vessels, by which an amazing saving would have been effected: in fact, the whole expence must, by this excellent reform, have sunk so low as 600l. The plan was ordered to be adopted when the late Ministry were dismissed; but the noble Duke had continued the vessels ever since. This gave the Board of Ordnance an election influence at Queenborough, insomuch that during the last election one candidate declared that he had been sent down by the Navy Board, while another said, that he came from the Board of Ordnance.

Mr.

Mr. Sawbridge now asked leave, and was permitted, to read, as part of his speech, the ensuing letter, written, he said, and sent to the papers by one of his friends :

“ To the Duke of RICHMOND.

“ MY LORD,

“ IT is not my intention to enter into an examination of your political conduct. Apostacy from principle, and desertion of connections, have been so common in the present unfortunate reign, that it would be a waste of time and labour to expatiate on the perfidy of an individual. I mean to consider you only in your official character. Your conduct in the military department of the Ordnance is now very generally understood, and universally reprobated. The first professional men in the country have fully exposed the hardship of those oppressive regulations in the corps of engineers, by which, under the specious name of reform, you have aimed only at an extension of your power, and the futility of those visionary projects of defence, which are as inconsistent with your repeated declarations as with every military principle; I shall, therefore, confine my observations to the civil branch of your office, and, comparing your conduct with your professions, respecting the specific abuses of which you have most loudly complained, leave the Public to judge of the justice of your pretensions to the character of a reformer.

“ When you entered into office, you thought proper, in the course of a very long speech in the House of Lords, to enter much at large into the abuses of the department you was called upon to fill, and to arraign, in very severe terms, the conduct of your predecessors. You particularly complained, that, for the purpose of parliamentary influence, the Board of Ordnance had been entirely composed of members of the House of Commons. ‘Great and extensive,’ you observed, ‘is the power and weight of the Board; most of the shipping employed in their service is taken up from Queenborough, with a view to influence the election for that place.’ You pledged yourself, in the strongest manner, to put an end to the corrupt prodigality which you had reprobated, and to destroy that undue influence which, upon your avowed principles, was incompatible with the safety of the Constitution.

“ There is no difficulty in stating what your conduct ought to have been after those voluntary professions, after this laboured detail of projected reforms. The People had a right to expect that the members of the Board would be appointed without any view to parliamentary arrangements.

still less to the little politics of a county. That you would observe a strict neutrality in the elections for the borough which you had particularly described as under the influence of the Ordnance; neither exerting that influence yourself, nor permitting it to be exerted by others. That you would inquire whether the Public had been served on the cheapest terms by those freemen of that borough, whose transactions with the Board you deemed of so suspicious a nature; and would discharge every useless vessel, retrench every needless expence, and introduce the most rigid œconomy, especially in those articles of expenditure where œconomy and reduction of influence might go hand in hand.

“ In no respect have you justified the confident expectations of the Public. I shall not dwell on the indecency of bestowing on Sussex gentlemen almost every appointment of value and consequence. In some instances, perhaps, the ties of private friendship, and a sense of gratitude for past services, may have operated even on your mind; in others, no motive can be suggested for your conduct, but that of extending your influence. It is true that most of the gentlemen, who were the object of your favour, were not at that time possessed of seats in the House of Commons. It would not have been prudent to have begun your official career with a gross and public violation of recent professions. You, therefore, adopted the happy and honourable expedient of first introducing your friends into office, and then endeavouring to bring them into Parliament.

“ The borough of Queenborough, to which, in your speech in the House of Lords, you called the public attention in so particular a manner, appears to have engrossed no inconsiderable share of your own. That attention has, however, been directed not to the reduction, but to the support of the extensive influence in the elections for that place, to which you succeeded on your accession to power; which you derived solely from your official situation; which, in other hands, had called forth your bitterest invectives; and which you have kept up at the public expence, and exerted without decency or moderation. In a very few weeks after you had delivered the speech to which I have referred, you took measures to bring in one of your friends on an expected vacancy for Queenborough; which I have great reason to believe you engaged in a negociation with Sir Charles Frederick to procure. While Lord Rockingham was pursuing his system for reducing the influence of the Crown, you was preparing to exert that influence; while Mr. Crewe's bill, to prevent revenue officers from voting at elections, was passing through the two Houses, under the auspices of the Administration of which you was a member, you was endeavouring to defeat

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the good effects of that salutary measure, which you did not dare openly to oppose.

“ When you resumed your office on the removal of the Portland Administration, and one Parliament having been dissolved by prerogative, another was to be packed by corruption, you resumed your attempt, and united your interest with that of the Admiralty, for the purpose of forcing two members on the town of Queenborough, in opposition to the known wishes of a great majority of the independent freemen. The open and shameful exertions of the influence of Government, to which I was a witness during the contest, have been equalled perhaps, but I am sure never exceeded, under the most profligate Administration which this country has ever experienced. Commodore Bowyer, who was one of the Court candidates, declared from the hustings, at a public meeting of the electors, that he came there at the express request, and that he stood in the interest and recommendation of Lord Howe; and Mr. Aldridge, who was your candidate, avowedly canvassed in his official capacity of principal Store-keeper of the Ordnance.

“ The influence of which you have thus unwarrantably availed yourself, is principally derived from the employment of an unnecessary and (in time of peace) unprecedented number of Ordnance vessels at Sheerness, in the rivers Thames and Medway, for the purpose of conveying stores on board the King's ships; most of these vessels, instead of being taken up by contract, as is the practice at Portsmouth and Plymouth, have been put on the establishment, at an enormous expence to the Public, for the emolument of freemen of Queenborough, of whom the masters and mates are entirely composed. In proof of what I have advanced, I will state the annual expence of these vessels from the best estimate I have been able to procure.

“ The master of the Marlborough gun hoy, at Sheerness, of about ninety tons, is allowed 160*l.* per annum to provide three men, and a house, which lets for 16*l.* more; and the repairs of this vessel may be fairly estimated at 70*l.* more — total expence to Government 246*l.* per annum. The Frederick powder boat, at Sheerness, of about thirty-five tons, is at present on what is called the old establishment, which consists of a master and mate, whose salaries (the master being allowed 2*s.* 6*d.* per day, and the mate 2*s.*) amount to 82*l.* per annum; and the men, when a vessel on this establishment is on service, are hired from the gun wharf at 1*s.* 6*d.* per day each. Although this vessel is in such bad repair as to be totally unserviceable, and the posts of master and mate are therefore become mere sinecures, you thought proper, on the death of the master, some time since, to reward the services
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of a freeman of Queenborough, who had been active in your interest, by appointing him to succeed. The Ligonier powder boat, at Chatham, of about forty-five tons, is on the new establishment, which consists of a master and mate, whose salaries (the master being allowed 60*l.* per annum, and 72*l.* to provide two men, and 30*l.* per annum for a boy, and the mate 48*l.*) amount to 210*l.*, and the repairs cost 70*l.* more — total 280*l.* per annum. The Lord Townshend, of forty-five tons, at Woolwich, is on the same establishment, and costs 250*l.* per annum; the salaries of master and mate amounting to 210*l.*, and the repairs to 40*l.* The Amherst, of forty tons, at Purfleet, costs 232*l.* per annum; the salary of the master amounting to 162*l.*, and the repairs to 70*l.* There are also two contract vessels on the same station, which cost 409*l.* That at Chatham, of about ninety tons, is hired at 12*s.* per day; and that at Sheerness, of about seventy tons, at 10*s.* 6*d.*

“ On the whole, the gun hoy and powder boats on this station, in constant pay, cost Government the annual sum of 1499*l.* Of this expence 1090*l.* is incurred by the establishment, which consists of five vessels, and two hundred fifty-five tons of shipping, and provides for eight freemen of Queenborough; and 409*l.* only by two vessels of one hundred and sixty tons of shipping, hired by contract.

“ From this statement it is evident that the employment of established, in preference to contract vessels, is perfectly inconsistent with every principle of œconomy. Those on the new establishment, on an average, cost each 75*l.* per cent. more than a contract vessel of the same burden. The Amherst, of forty-five tons, at Portsmouth, was hired at 8*s.* per day, (145*l.* per annum) while Lord Townshend was Master General. I have been informed by persons of much judgment and experience, that three vessels, which might be taken up by contract for 600*l.* per annum, would be fully sufficient, in time of peace, for the ordinary service of the Ordnance at Sheerness, and in the Thames and Medway, which now cost 1499*l.* If that is the case, there is an unnecessary expenditure in that article of 150*l.* per cent. But whatever may be the specific amount, I am justified in affirming, that very great profusion is practised; and that that profusion, in its effect and operation, has a corrupt influence in the elections for Queenborough.

“ These abuses, which duty and consistency called on you to put an end to, seem to be not only connived at, but openly protected and encouraged. While Lord Townshend presided at the Ordnance, a plan of retrenchment was adopted, and the Queenborough vessels were ordered to be discharged, on the report of Captain Dickinson, one of the superintendants of
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the shipping, to which the consideration of that business had been referred by a minute of the Board. On your return to office, not contented with instantly rejecting that plan, and restoring that very expensive establishment which your predecessor had abolished, you thought proper to relieve your Queenborough friends from the troublesome control of Captain Dickinson, and to transfer the superintendence of their vessels to Mr. Webb, who is a freeman of that place. One uniform principle pervades every department of the Ordnance; while the Master General sits as President of the Board of Inquiry into the efficacy of his own plan, the manager of a borough interest is employed to watch the expenditure, and to check the prodigality from whence that interest is derived.

“ A FREEMAN OF QUEENBOROUGH.”

“ Feb. 18, 1786.”

Captain *Luttrell* replied, that he should admit that Captain Dickinson had reported to the noble Viscount (Townshend) that the Public would reap advantage from carrying stores by three hoys, instead of by the four vessels, called the Townshend, the Conway, the Ligonier, and the Frederic; yet no mention had been made concerning what these would sell for, and what the three hoys would cost. On subsequent examination, however, it appeared, that the four old vessels might be worth 350*l.* a piece, but the hoys would cost 1150*l.* each. For this reason the project had been abandoned. With regard to the election influence, that stood exactly the same, whether the hoys or the vessels had been adopted, as the men were to have been the same as those already employed.

Mr. *Courtenay* said, he considered the amount of the Ordnance estimate as so trifling a consideration, weighed against the late greater question of the fortifications, that he meant not at first to have spoken in the debate; but he now felt it necessary to explain the whole business of the Queenborough vessels, and to state, that Captain Dickinson was a naval engineer, bred up under a noble Viscount, (Howe) at present sitting at the head of the Board of Admiralty, and perfectly competent to decide respecting the hoys. That had the last Master General of the Ordnance (Viscount Townshend) continued in office, the hoys would certainly have been adopted to the saving of 3000*l.* yearly; yet what could be more ridiculous than the economy of the noble Duke! (of Richmond.) When he first entered that House, he came in loaded with farthing sandbags, and could scarcely totter under their weight to the table, though supported by a pair of the best beech crutches which all Sussex could produce! His economy that year was wonderful; for, after retrenching in every

every minute particular, the noble Duke had saved the nation full 14l. 9s. 5^d. Mr. Courtenay mentioned the new addition to the Ordnance Office, in Old Palace Yard, as an instance of one work of public expence not put into the estimates, and as a proof that the honourable member's (Captain Luttrell) boast, that the estimates contained the whole of the expenditure, was unfounded.

Captain
Luttrell.

Captain *Luttrell* answered, that the erection of the new building in question came under the head of repairs, stated by the Tower department, and that all buildings were mentioned under the same head during the time of the last Master General of the Ordnance.

Mr. Steele.

Mr. *Steele* said, that he recollected that a charge of having written a letter to a noble Duke, at that time at the head of the Administration, complaining of his Grace's not having turned out two Custom-house officers, who had voted against the honourable magistrate on some election, had been, some few years since, handed about; and it was not, therefore, strange that an attempt should have been made to impeach the noble Duke's known regard for the freedom of election, when even the honourable Alderman's zeal for the same species of freedom had not escaped calumny.

Mr. Ald.
Sawbridge.

Mr. Alderman *Sawbridge* begged leave to remind the House, that he offered to prove the facts which he had stated; would the honourable gentleman do the same? One thing, however, he must say in reply, that, throughout the whole course of his life, he had not enjoyed the honour of writing a letter to any noble Duke whatever.

Mr. Sloper.

Mr. *Sloper* observed, that the Committee were going to a vote, without knowing the reason for its taking place. The 10,000l. for repairing Fort Monckton, and the 3000l. for the works at Portsmouth, were both of them portions of the system, the greater part of which the House had decided should not be carried into execution. The noble Duke had assumed credit for economy in the office over which he presided. But did the present estimate by any means discover that he was entitled so much to plume himself upon his frugality?

Mr. Powys.

Mr. *Powys* remarked, that he was nearly on the point of embracing an opinion, that no gentleman should speak on the subject who was unprepared, either with a charge against the noble Duke, or a panegyric upon his official virtues. He meant to deal in neither, but merely to ask a question—what fortifications were meant to be carried on? The old upon the large scale, the new ones according to part of the noble Duke's plan, or were the old ones to be finished on a reduced plan?

Mr.

Mr. Chancellor Pitt said the latter; but Mr. Powys and some other gentlemen objected to voting the 10,000l. for Fort Monckton, and 3000l. for the works at Portsmouth, as they were parts of 32,000l. and 20,000l., till the question of fortification was finally settled.

Mr. Chancellor *Pitt* rose again, and contended that the plan rejected by the House consisted of three different plans combined; and since the Administration would not be permitted to have the whole of the plan, they should try to have as much of it as the House, by whose opinion they were glad to be guided, were willing to adopt; but as it certainly would make the present vote stand more distinct and clear if the two articles of Fort Monckton and the works at Portsmouth were taken out of the estimate, he would consent to withdraw them, and so reduce the sum to be then voted, by taking off 13,000l. Mr. Chancellor Pitt.

This was consented to, and, at length, the estimate reduced, was voted.

Mr. Burke now moved that question for papers, relative to Delhi, which the order of the day had been moved upon during the course of the preceding Friday.

Mr. *Dundas* said, that he would not mispend the time of the House so much as to go again over those reasons which he had on Friday so amply stated in detail; reasons inducing him to refuse his consent to those motions, which, if carried, would reveal secrets that policy required should be concealed. The motion was one of that description, and therefore he must object against it. Mr. Dundas.

Mr. *Sheridan* complained of that manner of refusing material papers, without stating any particular specific reason for such refusal; but what he principally rose for, he said, had been in order to give the House an explanation of that charge, or rather insinuation, respecting him, which an honourable gentleman opposite to him had advanced. The Committee would recollect, that when he heard of the matter on Friday evening, he had acted in the manner which he hoped they would think most proper for him to adopt under the circumstances of the case as they then stood. He had since that had an interview with the person, with whom he had talked upon the subject, and who indeed he had commissioned to go to the honourable gentleman opposite to him, who he did not doubt would do him the justice fully to explain to the House when he sat down, that he had been mistaken in his fact, having been satisfied by the gentleman in question that he was mistaken. In order to make the House more clearly understand what he meant, it would be necessary for him to state a little of some opinions, which he had ever referred in his own mind, and did not intend to have stated, had not this business Mr. Sheridan.

business made it necessary. With regard to India affairs, he had thought there were but two lines of conduct to be pursued after those emphatic resolutions of the 28th of May, 1782, had been voted. The one was to recal Mr. Hastings immediately by the strong arm of Parliament, and punish him exemplarily; the other, to bring in an India bill, in which, on grounds of expediency, on account of the times not bearing so strong a measure, and the difference of opinion respecting it, no retrospect should be had, but all the clauses should look to the future. So thinking, when the India bill of his right honourable friend was preparing, the latter measure appeared to him most expedient to be followed, more especially as the time for calling home Mr. Hastings, by act of Parliament, was, in his mind, gone by, and therefore he had sent a friend to the honourable gentleman opposite to him to know whether Mr. Hastings would come home, if recalled. In the course of the conversation which he had with his friend, the intended India bill was certainly mentioned, but merely as matter of conversation, and not as a proposition to the honourable gentleman. This he had the happiness to say was the true state of the case, as the gentleman in question had assured both him and the honourable gentleman opposite to him, and that there had not been the most distant idea of bartering with Mr. Hastings for his support of the India bill.

Maj. Scott. Major Scott perfectly admitted that the gentleman whom he had seen originally on the business had confirmed, since Friday last, every syllable which the honourable gentleman had uttered; and he begged leave to thank him for so fair a statement of the transaction. He only differed from him in one particular: he had always conceived that the conversation about Mr. Fox's India bill had been the principal, and the question as to whether Mr. Hastings would come home, or would erect the standard of rebellion in India? the accessory point and cause of the message to him. Most certainly the gentleman with whom he conversed had assured him it was not, and he was bound to think so now. But he would state to the House why it was natural for him to have thought so at the time, and the matters had very strongly impressed his mind in that way ever since. In the first place, he had no powers from Mr. Hastings to treat of his resignation, and he had stated as much at the India House three years ago, by reading a part of Mr. Hastings's instructions to him; and, as a farther proof that such had been the impression which he had received, he must beg leave to read from the *Morning Chronicle* the following paragraphs, and answers, which had appeared in it on the subject in 1783:

Morning Chronicle, Nov. 22, 1783. "Mr. Fox, in his speech on Tuesday, declares, in respect to Mr. Hastings, that

that his bill was not meant to have any *retrospect*; that it depended entirely on the *friends* of the Governor General, whether what was past should be hurried in *oblivion*, or the *whole* of Mr. Hastings's conduct should be exposed to the severest parliamentary animadversion. Should the *friends* of Mr. Hastings throw obstructions in the way of a parliamentary reform, this, in addition to their unparalleled enormities, would unquestionably justify a *bill of attainder* in the evidence already in the possession of the House. Let not Mr. Hastings's friends deceive themselves, by expecting that those men, who, from *factious views*, were *predetermined* to oppose every plan for reforming the abuses of the Company, will support them afterwards in procuring *impunity* to Mr. Hastings; they ought to recollect, that the *late Lord Advocate* is the person who not only moved the severest censure against Mr. Hastings, but also carried through a vote for his recal. The temper, the connections, the influence of Mr. Dundas over his friend, (Mr. Pitt) and the rest of the leading characters of opposition, are too notorious to escape the observations of the most inattentive."

Morning Chronicle, Nov. 24, 1783. "A paragraph of a very extraordinary nature having appeared in this paper on Saturday, with a view of intimidating the agent of Mr. Hastings, and his friends, Major Scott conceives himself called upon, by the duty he owes to his principal, and to his country, (in which he has an hereditary stake, and is therefore as much entitled as any Englishman can be) to give his sentiments upon the most pernicious scheme that was ever brought forward to the public view. Mr. Hastings and his friends equally despise *threats* and promises. Will the Public suppose, or can Mr. Hastings's friends be so weak, that men, who have pursued Mr. Hastings with a degree of inveteracy and malice which is unparalleled in the annals of this country, now wish to stop short, out of tenderness to that gentleman? Mr. Fox knows perfectly well that neither Mr. Hastings nor his friends are actuated by factious views. He knows also, that they *fear no retrospect*, and *wish for no oblivion*. And he not only knows, but feels, that the purity of Mr. Hastings's character, and the integrity of his conduct, have placed him beyond the reach of malice. Mr. Hastings has said boldly and openly, 'If I am a violator of public faith, do not censure me; punish me with death.' His friends in England say the same; and they assure Mr. Fox, or his friend, who has thrown out the *threat of a bill of attainder*, that they will meet it with the same readiness, and oppose it with the same firmness, as they have done the *threat of delinquency*, and the fallacious Reports of the Select Committee. Major Scott must be the most infamous man indeed.

if he could be induced, by any consideration upon earth, to sacrifice the cause of the East-India Company, after that Company have so honourably supported the Governor General against every attempt to remove him. With respect to Mr. Dundas, the Public will be pleased to recollect, that he disavowed every idea of delinquency in Mr. Hastings; he never was pledged to God, the House of Commons, and the nation, to remove Mr. Hastings on any other ground than that of *expediency*; and he argued for that expediency thus:—The Mahrattas will not make peace with Mr. Hastings, because he has forfeited their confidence. The result has proved that Mr. Dundas was mistaken.”

Morning Chronicle, N.v. 26, 1783. “The correspondent who sent the paragraph relative to Mr. Hastings to the *Morning Chronicle* of Saturday, cannot but express the utmost astonishment at the desperate effrontery of that gentleman’s agents. After Mr. Hastings has been convicted, in the only way it was possible to convict him, of the most *flagitious delinquency*; when it is on the records of Parliament, and admitted by himself and his agents, that he received a bribe of 100,000*l.*, without deigning to assign a motive for his acceptance of it; to have extirpated a whole people, who had never given him any cause of offence, for a sum of money; when his ruinous contracts, extortions, and monopolies, are confessed by his warmest friends — is the *ambassador* of such a man to be suffered to brave the public justice, and to tell the nation that *Mr. Hastings laughs at the impotent vengeance of the British Parliament!*”

Morning Chronicle, Nov. 27, 1783. “Major Scott is exceedingly unwilling to draw the attention of the Public from the great subject now before them, by intruding upon their notice any matters which could only affect Mr. Hastings personally, because that gentleman’s hour of trial *must come*, and then the nation will be able to judge how far he has deserved the treatment he has met with since the 22d of March, 1782. The writer of a paragraph in yesterday’s paper has, however, jumbled together so many charges, that a short reply is absolutely necessary.

“Mr. Hastings has never been convicted of *flagitious delinquency*. It is *not* admitted by Mr. Hastings, or his agents, that he received a bribe of 100,000*l.*, without assigning his reasons. His letters to the Court of Directors are full proof of the contrary. Mr. Hastings did not extirpate a nation. The Rohilla war, here alluded to, had been fully explained. Mr. Hastings has not given away ruinous contracts, or established monopolies; nor has he been guilty of extortion. Major Scott’s letters to Mr. Burke have fully detected the *false statements* contained in the Ninth Report of the Select Committee.

Committee. Major Scott neither wished to brave, nor to fly from public justice, *though he rejected the offer of an act of oblivion for his principal, provided he would remain silent during the present attack upon the East-India Company.* If it were necessary to go now into the subject, one short sentence from the Ninth Report of the Select Committee would prove that Mr. Hastings, so far from being convicted, is not yet charged with delinquency; for the sublime Reporter says, page 53, 'The Reports of your Committee are *no charges*, though they may possibly furnish *matter for charge*.'

Doubtless neither the House nor the Public were warranted to suppose that these paragraphs came from the honourable gentleman, (Mr. Sheridan*;) but they certainly came from some where: they did not fall down from heaven on the compositor's letter case; and as they ran in the same file with a right honourable gentleman's (Mr. Fox) speech on opening his India bill, they certainly came from some friend of that gentleman.

Mr. *Sheridan* rose once or twice to correct Major Scott, Mr. Sheridan and to beg that he would let the House know that it had been their mutual friend, and not he, (Major Scott) who set him right as to the real purport and end of the message.

Mr. *Fox* expressed great satisfaction that the matter had been so well cleared up, and repeated what he had thrown out on Friday, the instant he heard the insinuation made, assuring the House that he never had entertained a thought of compromising with Mr. Hastings, as the speech which he made on opening his India bill had sufficiently proved. It was likewise clear that he had been concerned in no treaty of the kind in question, or it would have been natural for him to have waited to have learnt how the treaty went on before he opened his bill.

Mr. Chancellor *Pitt* refused to comply with the motion, as tending to affect the policy of India, by opening the secrets of negotiations in that country, which the peace and tranquillity of Hindostan rendered absolutely necessary should remain undivulged. Major Brown's letter he treated as the unauthenticated effusion of a chimerical projector, that might neither deserve the credit of the House, nor affect the character of Mr. Hastings.

Mr. *Burke* read part of Major Brown's letter from Delhi, and of Mr. Hastings's letter from Lucknow, as a portion of his speech, and declared that if the insinuation of an honourable gentleman had been true, and he had been deserted by

* On this occasion the Printer declared, upon his honour, that the paragraphs in question did not come to him from Mr. Sheridan, or from any member of Parliament.

his honourable friend, and by all mankind, the great cause he was engaged in should not have been abandoned, but, even standing alone, he would have proceeded.

The House divided on the question —

Ayes	-	-	-	-	-	-	-	-	-	34
Noes	-	-	-	-	-	-	-	-	-	88

Majority - - 54

A motion having been immediately afterwards made for copies of three letters — two from Major Brown at Delhi, and one from Mr. Hastings at Lucknow,

Mr. Fox,

Mr. Fox remarked, that if the papers stated in the question were refused, there was an end of asking for papers, however material to the prosecution those papers might be, and however free from any imputation of being dangerous or likely to affect the policy of India. He could not believe, however, that His Majesty's Minister would go the length of refusing the three letters in question; if he did, what a shameful fact would it not establish? Would it not then appear in broad and striking colours, that a right honourable gentleman had persuaded that House to vote a number of strong resolutions, to not one of which he meant that they should ever give force and efficacy? Of the papers now called for, the House could already perceive the tendency, since, in the preceding debate, they had heard the most material passages read and argued on. They must, therefore, be aware, that no harm whatever could arise from producing them and making them public; he and his friends had duplicates of them already in their possession, and were perfectly masters of their contents. In refusing to let them formally be laid upon the table, the other side of the House would stand without excuse. Mr. Fox contended that it was, in his mind, impossible that they should do so; if they did, and pleaded that their granting the papers would affect the policy of India, he must declare, that ever since he sat in Parliament, he never had witnessed so disgraceful a conduct; his comfort, however, would be, that, however the Minister might withstand every individual motion for papers, and prevent any thing like evidence from being obtained, however he might rely on the power of his majorities in that House, there was another tribunal to which he must go for trial, the tribunal of the Public, who would judge for themselves; and however the right honourable gentleman might rest satisfied, in assigning as a reason for rejecting his right honourable friend's motions, that, if granted, they would affect the policy of India, a reason too general to be combated, and which, if admitted as a sufficient justification for refusal in every case, would amount to a direct vesting of Ministers with the power of protecting every delinquent, however criminal,

minal, and of quashing every inquiry and every accusation, however founded, at a single stroke. The right honourable gentleman might stand assured, that, though that House would rest content, the honour of the nation would not be satisfied, nor would the People be pleased at seeing their representatives act in a manner so disgraceful to themselves, and so foreign to the purposes of substantial justice. Mr. Fox now exclaimed, "What a precious farce is daily acting within these walls!" We see the friends of Mr. Hastings affecting to be eager that every paper called for should be granted; we see the King's Ministers rising to declare that every thing that can properly be granted shall not be refused; we hear other gentlemen, who call themselves independent men, saying, By all means let the House know the whole, and be put into possession of every necessary species of information; and yet we see the same men all of them dividing together to enforce a negative to a motion for such information, and we see them helping each other out with hints and whispers during the debate, and pointing to matters apposite to the argument on their side the question, in like manner as my right honourable friend and I would assist each other when we are maintaining the same point and arguing for the same purpose.

Mr. Chancellor *Pitt* expressed his hopes that he should not be thought less grounded in presuming to withstand the present motion, if he did not follow the right honourable gentleman's example, and make a speech full of angry words, delivered with all the vehemence of passionate expression. Notwithstanding what the right honourable gentleman had thrown out by way of threat, no menaces should intimidate him, or induce him to quit that line of conduct which he felt it to be his duty to pursue. The present motion he should reject, and he trusted the majority of the House would support him in that rejection, when he informed them that it was neither more nor less than the same motion which the House had just decided against admitting, only put into another shape. The right honourable gentleman had misrepresented his arguments: he had not nakedly stated that the reason of his refusing his consent to the motion just negatived was because the papers then moved for would, if agreed to, affect the general policy of India, but because they would materially affect the policy of India, by leading to discover and make public certain secrets in the different negotiations which had been carried on, the discovery of which would tend to disturb the tranquillity of that country, and lead to consequences highly injurious to the British interests in India. For the same reason, he must refuse his assent to the present motion, and for the same reason he should continue to refuse his

his assent to any other that should appear to him liable to produce a similar effect: nor would the right honourable gentleman's using expressions insulting to any individual near him, or, what was still less defensible, insulting to the majority of that House, operate upon his mind in the least. He supposed the glow of eloquence which they had just heard was to be accounted for by the right honourable gentleman's having warmed himself with the conception of it in the lobby, and being determined that a few happy thoughts and ardent expressions should not be lost upon the House; if so, the right honourable gentleman had fulfilled his design; whether to the satisfaction of those who heard him, much less to their conviction, the House would decide by their vote, which he trusted would go in support of the vote they had just given, and that the motion before them would, like the preceding one, of which, in point of tendency and effect, it was the exact counterpart, receive an express negative. Mr. Pitt said that he had before been, together with the right honourable gentleman, to the tribunal of which he talked, and he was ready to meet him there again. He complained of gentlemen's reading papers as a part of their speeches, which were papers produced before a Secret Committee, obtained from those who had betrayed their trust: such a practice cut up all the principles of political secrecy by the roots.

The House adjourned.

Tuesday, 7th March.

Mr. M. A. Taylor.

Mr. *Michael-Angelo Taylor*, having moved for leave to bring in a bill to regulate the courts of conscience throughout the kingdom, observed, that he had, during the course of the preceding session, brought in a bill, which passed into a law, to regulate those courts in London, Westminster, and Southwark; that the bill was merely experimental; but he had been informed from all quarters that it produced beneficial effects. This made him turn his attention to the present bill; and he had received the approbation of many respectable gentlemen in Bristol, and other cities and considerable towns, who declared that the establishment of similar regulations amongst them would prove a source of great convenience. Amidst a variety of abuses and evils, one was, that a man might be imprisoned for life for so small a sum as 15s. or 20s.; and even could the miserable wretch raise the money to pay the debt, still he was detained for his fees. This was shocking to humanity, and called loudly for redress. The bill went likewise to another point. He had observed, that persons in a comparatively low condition sat as judges in these courts, and were totally unqualified in every respect. One clause of

it; therefore, went to establish a qualification of 20l. per annum freehold, or 500l. personal property. The time limited by the bill for imprisonment by these courts he intended to be twenty days for any sum not exceeding 20s., and forty days for any sum not exceeding 40s.

Mr. *Francis* expressed a wish that some method could be devised to oblige those persons, so qualified, to attend the duty, as he verily believed that the disagreeableness of the task threw the execution of it into the hands of those inferior persons described by the honourable gentleman. Mr. Francis.

Mr. *Taylor* replied, that, when his bill was passed into a law, it would be easy to compel such persons by *mandamus*.—Mr. Taylor.
Leave was given accordingly.

Mr. *Taylor*, the Chairman of Ways and Means, brought up the resolution of the Committee; immediately after which

Sir *John Miller* offered a proposition to the House, that the 50,000l., now unappropriated, in the Exchequer, might be applied to the purposes of bringing fresh water to Plymouth dock, to the building of gun boats; and such other beneficial uses as might appear necessary. Sir John Miller.

The Speaker informed him that it was utterly out of order for the House to receive such a proposition, and that it must be submitted to the Committee of Supply.

The resolutions were reported, and agreed to by the House.

The Honourable Mr. *Marshall* gave notice, that he should, on the first open day, move the House for leave to bring in a bill to extend the provisions contained in Mr. *Crewe's* bill, which prevents persons enjoying certain places under Government for voting at elections for members of Parliament, to the Navy and Ordnance service. The hon. Mr. Marshall.

The Speaker named the ensuing Thursday.

Mr. M. A. *Taylor* reported the several resolutions of the Committee on the shop tax. The same were received by the House, and agreed to without opposition.

Mr. *Bastard* moved, "That there be laid before this House, an account of the persons convicted of any offences, and who have been, in consequence thereof, sent on board the hulks in the river Thames, or on board any other hulk, or prison ship, in any other place, or confined in any prison within this kingdom, since the 1st of January, 1775, specifying the offence and time for which such persons were sentenced to be transported or imprisoned respectively, and which of them have been discharged, and at what time, and on what account, and whether such persons so discharged have, at any time, and when, been convicted of any, and what, subsequent offence, or offences." Ordered.
Mr. *Bastard* then moved "for the expences of such as had been confined on board the hulks, specifying the time,
VOL. XIX. U. u and

"and when discharged, and whether they have been since convicted."

The Attorney General contended that the order could not be complied with.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* observed, that he foresaw that it was the intention of the honourable gentleman to move some proposition relative to transporting felons. This was a subject of great intricacy. Several new modes of disposing of the convicts had been pointed out, every one of which was attended with such difficulty and expence, that Government was not a little embarrassed what method to take consistently with the public safety. He begged leave to remind the gentleman, that it is much easier to point out a grievance (and such this certainly was) than to apply a remedy.

Mr. Manswaring.

Mr. *Manswaring* expressed his concern that no efficacious measure had hitherto been devised. Between three and four hundred convicts were now under sentence in the metropolis, some condemned for three, four years, and upwards, and their time was now going on; so that in a few years numbers would be let loose upon the Public to commit depredations, unless otherwise disposed of. If Government did not act with vigour, it would damp the administration of justice. Even the Judges themselves were at a loss what to do, because there is no proper mode existing for disposing of them.

Mr. Ald. Watson.

Mr. Alderman *Watson* doubted whether the motion could be complied with, because the books were burnt in 1780. He observed, that if some speedy method were not taken to send them out of the kingdom, the magistrates ought to escape censure if they could not afford protection to the inhabitants.

The Earl of Surrey.

The Earl of *Surrey* said that it was better to bear the expence than submit to the danger.

Mr. Bastard's motion was then put, and carried.

Mr. Chancellor Pitt.

Mr. Chancellor *Pitt* begged leave to introduce a subject of the utmost importance; but he should at present only mention certain preliminaries; and those were the several accounts which would draw the state of the finances into one point of view. His intention was to take every possible step to give full and complete satisfaction to the nation in a matter of great and national concern. For this purpose the accounts should be reduced into estimates by a Committee. It was, therefore, his intention to defer any particular statement; and for the same reason he had no idea of entering into the minutes, or into any specifical reasoning on the various and complicated branches of the public revenue, the actual expenditure, and the probable methods of laying the ground work of a permanent plan to reduce the heavy burdens of the nation. He should first ask leave to move for a Select Committee of nine, to be chosen by ballot by the whole House.

on the morrow, to whom all the accounts are to be submitted, and by them reduced into estimates. These being printed for the use of the House, he should then submit his propositions to their judgement and candour.

Mr. Pitt then made his motions, which were as follow :

“ That the several accounts and other papers, presented to the House in this session of Parliament, relating to the public income and expenditure, be referred to the consideration of a Select Committee, and that the said Committee be directed to examine and state the same, and also to report to the House what may be expected to be the annual amount of the said income and expenditure in future.”

“ That the number of the said Committee be nine.”

“ That the said Committee be chosen by way of balloting.”

“ That the members of this House do, to-morrow at two of the clock, prepare lists, to be put into glasses, of nine persons' names, to be the said Committee.”

“ That the said glasses be placed upon the table, and the said lists, held up between the finger and thumb, be put into the glasses at the table by the members called over for that purpose, according to the counties and places they serve for, as the said counties and places are entered in the return book.”

Mr. Fox agreed with the right honourable member, that when papers, complicated and various as those of necessity must be, required investigation, it was always a good measure to refer them to a Select Committee; but he thought that nine was rather too confined a number. However, he should make no objection; but, on the contrary, be happy to give every assistance in his power.

Sir Grey Cooper expressed his wishes that an instrument or schedule of all the papers might be made. He did not consider the accounts of two years revenue expenditure as a sufficient space of time for the Select Committee to make a fair estimation, whereby to ground a permanent plan. He rather thought it should be extended to three years.

Mr. Chancellor Pitt answered, that he rejoiced to discover so few objections to the mode which he had the honour of proposing; and, therefore, when the Committee should have made their report, and the House have taken time to consider and digest it, he would proceed to what was commonly called opening the budget. He could assure the House that we were fortunately now in a situation to begin a plan to rescue the nation from her difficulties.

Mr. Francis now rose, and said,

Mr. SPEAKER,

I rise to move for leave to bring in a bill to explain and amend an act passed in the year 1784, for the better regulation

tion of the East-India Company's affairs. I am deeply sensible, Sir, of the difficulty of the task I have undertaken. To move for the essential alteration of an act of the Legislature, against the sense of a majority of this House, and to encounter the abilities which were employed in framing it, and which are likely to be exerted in defending it, is not an attempt, to me at least, of inconsiderable magnitude. I can very truly assure you, Sir, that if I were not thoroughly convinced that what I propose to do is necessary to be done; if I did not think myself bound by a special duty to make the attempt, and if I were not conscious that my motives for making it were honest and upright, I should neither have the confidence to undertake such a labour, nor a degree of resolution sufficient to go through with it. The considerations which have called me to this duty will, I trust, support me in performing it. When I say that I have the sense of a majority of the House to encounter, I mean to pay the greatest tribute to their honour and to their justice; since I presume and expect that they will nevertheless hear me with indulgence; that they will listen to arguments opposed to their present impressions, and be led perhaps by the reflections which such arguments may suggest, to condemn and undo an act of their own.

There is one preliminary word, including a solicitation, which I shall offer to the House, and particularly to the right honourable gentleman (Mr. Pitt) who brought in the bill: it is, that they would separate and distinguish the substance of what I have to submit to their consideration from my manner of delivering it. That the right honourable gentleman himself, if, through the disorder and embarrassment with which I may speak, he can discover and collect the force and meaning of what I would express, and if that meaning should appear to him to deserve consideration, he will, in the first place, allow it due weight in his own mind; and then, if he should think fit to answer me, that he will give my arguments the advantage of his own expression, and encounter them in the armour with which he himself shall have invested them. However he may disregard personal invectives or personal attacks, he ought not to undervalue any efforts that are seriously employed in the discharge of a public duty. It is the condition, perhaps the burden, of his station, to listen to all men with patience and attention, and to collect information wherever it can be found. Between the right honourable gentleman and me there is no competition; and if there were, it ought not to be decided by inequality of arms. In desiring the right honourable gentleman's assistance against himself, I certainly invite him to a conduct that will do him honour. *There is but one thing more honourable to the human cha-*

acter;

rafter; and that, I am not without hopes, may be the result of this day's debate. If, fortunately, from the reflections which I mean to submit to the House, the right honourable gentleman's own measure should stand condemned, or considerably impeached, in his own mind, I persuade myself that he will frankly acknowledge his conviction, and act upon it.

Before I enter upon the essential part of my task, there is an explanation to be stated to the House, external to the merits of the motion which I mean to make, yet materially connected with it. This explanation regards the time and circumstances in which I act. It is matter of public notoriety, though not regularly before the House, that the India bill was received in India a year ago with great discontent, and that petitions against it were preparing to be sent over to be laid before Parliament. On one side, then, I may be suspected of a base intention to avail myself of the present temper of the discontented parties for some mischievous purpose; and, on the other, I may be charged with acting precipitately and unfairly to the petitioners themselves, in not waiting for their petition. To the first imputation I say, that my opposition to almost every part of the bill, but particularly to the inquisition and judicature, was known and declared from the moment when it was introduced, and that I have invariably held the same language, and expressed the same sentiments concerning it. My objections to the measure were no way connected with my opinion of the reception it might meet with in India. Some gentlemen, who ought to have been better informed than it appears they were, took upon them to assure the House, that they had no doubt of its being perfectly well received there; they assured us it would be received with open arms. I will not deny, that, on my own principles, perhaps I might have been strictly bound to have moved for an alteration of this law in the course of last session; but I had reasons for not doing so, which I hope will be thought valid. The attention of the House was wholly engaged in the commercial arrangement with Ireland. The most exceptionable parts of the India bill were not to begin to operate till a year or two afterwards; but, principally, I wished to give time for the sense of the House to cool upon its own act, and for the general judgement of the nation to be collected on the merits of the measure. With respect to any impression which the bill may have made in India, or any measures taken there to obtain a repeal of it, I beg it may be understood that the business I am engaged in, and the part I take in it, stands wholly independent and unconnected with any thing said or done in India: that if the law, instead of being received as it has been, had been accepted by the parties immediately concerned in it as a benefit, I should not in-

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deed have been so forward and officious as to wish to protect them against an inquisition and a trial which they were willing to submit to, or to restore them to rights which they were willing to relinquish; nevertheless I should have taken the same course I now take. I should equally have moved for an alteration of this law, that a precedent might not be established, either with or without their consent, dangerous to the Constitution of this island, and to the rights and security of the community at large.

To the second objection I answer, that although I act independently of the petitioners, I am as much in earnest as they can be to promote the object of their petition. What I am going to do cannot injure, and may assist them. In the matter, I take for granted, we are agreed. In the matter I feel myself bound by considerations of duty here, which they are not equally concerned in. Next to the object itself, it is my wish, and shall be my endeavour, to accomplish it in a way most honourable to Parliament, and most consistent with its dignity—I mean by an appeal to the justice of Parliament, and to nothing but its justice. The object of the petitioners may be obtained, and the dignity of Parliament may be preserved together. For this latter purpose it is material, nay it is essential, that Parliament, in the revision of its own act, should proceed on its own motion without the influence of any external impulse whatsoever. On this subject I need not enlarge. The reflections that belong to it are obvious.

There is one plea, however, which I must beg leave to enter in this place against all insinuations that have been, or may be, hazarded against my integrity in the part I take in these transactions; namely, that nothing said or done now in England, concerning this law, can affect the minds or influence the conduct of our fellow subjects in India. The law made its impression a twelvemonth ago. Whatever the consequences of that impression may be, they do not depend on any thing which can be stated now, or foretold concerning them, and which cannot reach India till many months hence. It is a common artifice for the real author of a misfortune to endeavour to shift the responsibility of his own measures from himself to the persons by whom those very measures were most strenuously resisted. By this sort of stratagem the foresight of an evil is converted into the cause of it, and the prophet is made answerable for the mischief he foretold. Former predictions on the present subject have already been fulfilled by events, which are themselves prophetic.

Having thus far cleared the ground and opened the way to my object, the first thing I shall attempt shall be to submit to the House a short distinct view of the law as it stands, comprehending the fundamental governing principles that consti-

tute its essence, and the prominent features that form, if I may use such an expression, the countenance, the *virtus*, or general volition of the law. An explanation of this kind is the more necessary, because I know in some instances, and have reason to suspect it may be true in many, that this law has not been attentively read, nor hitherto very carefully considered; and I confess that I am not sorry to think so. If I thought the reverse were true, my hopes of success tonight would be considerably abated. As it is, I derive some encouragement from your neglect. Besides this, Sir, by beginning with a view of the principles, a minute examination into the detail of the bill will, in a great degree, become unnecessary to my purpose. If these leading principles are such as the House, on a fair review of them, shall think it right to adhere to and confirm, it would answer no purpose of mine to shew that there were mistakes or inconsistencies in the detail. Defects of that kind belong to all human institutions, and are easily corrected. On the other hand, if the principles of the law should, on a fair review of them, be reprobated by the House as false, absurd, and unconstitutional, the great and essential part of my task is accomplished, I shall have struck a decisive blow at the root of the tree. The body of it must fall and bring the branches to the ground.

This law, Sir, obviously divides itself into three great departments, and is therefore to be considered generally under three points of view: first, the arrangement made for the distribution and establishment of power at home; secondly, the arrangement made for the government of the Company's affairs abroad; and finally, the institution of a special inquisition and of a new judicature in England, for the discovery and trial of offences committed in India. The first, I affirm, stands in direct contradiction to every rational principle of good government; the second stands in the same contradiction, not only to principles, but to experience; and the third introduces a capital and dangerous innovation into the criminal jurisprudence of this country, for no purpose of justice whatsoever, that might not have been equally, if not better, obtained by the judicatures that exist already. I state my propositions in terms of great reserve and moderation, compared with my opinion, and hope that I shall be able to prove much more than I affirm.

In the first place, Sir, I state it as a matter of fact, that, with respect to the governing power of the India Company in England, the constant and notorious complaint was, that the power of the Court of Directors was defective and insufficient to enforce obedience among their servants abroad, or to punish their disobedience. To remove this cause of complaint, and to supply this defect, recourse has been had at various times

to the authority of the Legislature; and the professed object of every bill that has been offered to Parliament, for the better regulation of the Company's affairs, has been to strengthen the executive power of the Company; that is, of the Court of Directors, either by giving them additional powers; or by removing the impediments thrown in their way by the interposition of the Court of Proprietors; who did, in reality, divest the Directors of all their power. Now, Sir, I admit that the general object of creating a power at home, sufficient to enforce and secure obedience abroad, was proper, wise, and necessary. Let us see what course the present law has taken to arrive at this just and necessary object. It leaves the ostensible power of the Company with the Court of Directors; By them all orders and instructions for the governments in India are to be prepared, and by them they are to be signed; by them also all appointments to the service are apparently to be made: thus far the fact, or the appearance of the fact, is consistent with the principle. I cannot admit a supposition that the Legislature entertained the least distrust of the integrity, or even of the wisdom, of the Court of Directors. I cannot suppose it possible that the Legislature, professing to interpose its power for the improvement of institutions, or the correction of abuses, should have continued the most delicate of all trusts, and the most important of all powers, namely, that of the executive government, in the very hand that was believed to have betrayed or abused it; or in any hand whatever that was deemed to be unequal to the performance of the duty. The law declares its confidence in the Directors, since it continues, professedly at least, to vest in the direction an equal power to that they had before. The law clearly supposes them to have hitherto made a proper use of such power as far as they were able to exert it, and therefore professes to confirm and enlarge it; but, the moment you turn over the leaf, you will find that all the ideas and provisions are reversed: that the law assumes a new principle utterly incompatible with that on which any new power could properly be given to the Directors, or any of their former power could properly be left in their hands. It abandons all idea of strength and vigour in the executive power. Instead of uniting that power in some one Board, which could alone make it efficient, the law divides it between two Boards, whose operations, from the particular nature of that division, ~~can~~ not act vigorously, even when they act together; and when they counteract each other, must not only be feeble, but ridiculous. Power, in whatever manner it may be divided between different political persons, is generally impaired by a division; but the special division of it made by this bill is *more extraordinary* than even the idea of dividing it at all.

It places all the nominal power of the Company in one set of men, and all the real power in another. The power that appears to command, is itself commanded, and obedience is expected to the authority of men, whom the law itself declares to have no authority at all. If the Company's servants were disobedient in former times, when they knew that the orders they received were really the act of the persons who signed them, what are we to expect at present, when they know, because the law itself tells them so, that the Directors are nothing but formal instruments in the hands of another Board, and that they are obliged to put their signatures, not only to letters and instructions which they have not drawn up, but to letters and instructions drawn up in notorious contradiction to their declared sentiments? A more effectual contrivance to excite and irritate a spirit of disobedience could hardly have been thought of. What language will the servants hold now to their employers, but this in effect?—"We were ready to have obeyed you; but we know that the orders we have received are not yours: we know that they are directly opposite to your sentiments." A more plausible pretence for disobedience cannot easily be imagined. Sir, I am not reasoning upon imaginary cases. The law has established two jurisdictions over the same object. We know that they have already clashed in one very important instance, and I have reason to believe that they continue to do so in many others. The very moment the Directors began to act, the Board of Control began to counteract; and the Directors, in the end, were forced to sign orders, against which they had previously protested.

The bad consequences of such a system are obvious in theory, and visible in fact. What good effects it has produced, and how it can possibly produce any, must be explained by those who approve of it. The burden of that explanation makes no part of my undertaking. They who are of opinion that a double government, in which every apparent act of power of one hand is the real act of power of the other; in which the power that controls is itself controlled; in which the power that commands is itself commanded; in which the power that acts is known to act against its own sentiments; that such a government can be wise in theory, or efficient in practice, will support the present law as it stands, for I have stated nothing which the law itself does not most explicitly enact. They, on the contrary, who may think that a single ostensible government is better than a double one; that it provides better for the uses of power, and better fixes and secures a determinate responsibility to answer for the abuse of it, will join with me in affirming, that the executive power of the Company ought to be vested in one Board, or

in one set of men; and whether they prefer a Court of Directors, or any other form of government, they must equally concur in my conclusion, that this part of the present law defeats its purpose, if that purpose was to create a government, vigorous on one side, and responsible on the other; and that, as long as the present law is in force, the Company's affairs are under a government directly the reverse of what all governments ought to be, and the particular situation of their affairs most urgently demands.

I have stated that the defect, or grievance, at home was, want of power over the service abroad. If that proposition be true, it includes the supposition that the servants abroad abused the power with which they were entrusted, and were disobedient and refractory to that which the law had placed over them. There would have been no occasion to increase or strengthen the power at home, if it had not met with a resistance which it could not overcome; but I need not have recourse to any implication, however clear and obvious. Every bill that has been brought into Parliament on this subject takes the affirmative for granted, considers disobedience as a fact as well as a crime, and denounces various penalties against it. The present law declares, that the wilful disobeying, or the wilfully omitting to execute, the orders of the Directors, shall be deemed, or be taken, as a misdemeanor at law, and punishable as such. Now, Sir, I would ask the right honourable gentleman, if such disobedience has existed, who are the persons most likely to have been guilty of it? In what persons was such disobedience most important in the instance, and most dangerous in the example? Undoubtedly, he will answer me, the persons in the highest trust and authority in India; they alone could disobey; they alone could execute and enforce the orders of the Directors; they alone are answerable, not only for their own offences, but for every offence which they promoted by their participation, which they permitted by their negligence, or encouraged by their example. The conclusion from this reasoning unavoidably fixes the charge of disobedience upon the highest power; and the charge of breach of duty upon the highest trust established in India. It necessarily fixes both upon the Governor General and Council of Bengal. No man, who knows any thing of India, will affirm, that if that Council had been determined to do their duty themselves, they could not have compelled all the subordinate ranks of the service to follow their example. Sir, this very law fixes its eye upon the Governor General and Council, and does, in effect, charge upon them; or the majority of them, all the capital offences which it reprobates and prohibits. What is the power in India that can pursue schemes of conquest and extension of dominion but

the Governor General and Council of Bengal? What power can declare war, or commence hostilities, or enter into any treaty for making war, but the Governor General and Council? The subordinate Presidencies could have adopted no hostile measure of any kind which the superior Council might not have instantly countermanded, if it was proposed; and arrested, if it was begun. There was no possibility that Madras or Bombay could carry on war, without the concurrence and assistance of Bengal. Besides that, they have no resources of their own; any member of each of those Presidencies might have been removed by the Governor General and Council, if he attempted it. In all the late wars, therefore, the Governor General and Council must be considered as principals; but it is well known that, in all those questions, the Council was not unanimous. The measures which this act so expressly condemns were the acts of a majority; but even that majority was fictitious, since it consisted of the Governor General, and one member of the Council, against the remaining two. In truth, the Governor General's casting voice decided every thing; for, although the Council ought to have been composed of five persons, the unfortunate death of General Clavering threw the whole power of government into the hands of two persons, of whom one, by an unreserved concurrence of opinion, united his vote and authority in that of the other. Such was the gradual devolution of power in Bengal, until it ended in a point, until it vested in the Governor General alone, until it centered in effect in the person of Mr. Hastings. His colleague is to answer for the surrender of the power; but Mr. Hastings is especially answerable for the use that has been made of it. The fact is, that, under the government of a single person, armed with a really undivided power, which the constitution of the Council never meant to give him, all those principles, which the present law condemns and prohibits were brought into action, and produced all those effects which the present law professes to look back to with indignation, which it threatens hereafter to punish, or promises immediately to correct. From these premises it might naturally be expected, that the law, when it condemned certain acts, and reprobated certain principles, would have limited and restrained the power of those persons who had done such acts, and avowed such principles. For what reason the law should act on a conclusion opposite to its own premises, as in fact it has done, has never been accounted for. From the acknowledged abuse of power, the inference of this law is, that such power ought to be strengthened and increased. It states the experience of former abuses, and refuses to be guided by it. In the first place, it reduces the Council from five persons to four; that is, it professes to strengthen by

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contradicting

contracting it into fewer hands; and then, in order to unite the power of the whole Council in the hand of one person, it entrusts the Governor General with the perpetual exercise of a casting voice as long as the Council consists of an even number, and is equally divided; that is, it unites the power and divides the responsibility. One would think that they who had seen to what purposes the power of the casting voice had been applied, when it accidentally fell into the hands of a Governor General, would never have proposed to annex it in perpetuity to that office. But, taking the bill on its own principles, and admitting that it might be right to give a constant predominant power to the Governor General, I affirm that this is the very worst way of giving it. That it does not give it with certainty, and that the framers of the law were afraid or ashamed to look their own principle in the face. If a Governor General ought to have such power, it ought to have been avowedly stated, and directly given; otherwise it may happen, that the power, which you say is necessary, may, in fact, never vest in the Governor General; at all events, his tenure of it is precarious; of course the measures of the government must fluctuate with every accident that gives or takes away the operation of the casting voice. By these observations, I am far from meaning to admit that the object is in any degree wiser than the mode. In my mind, the means are absurd, and the end is dangerous. I speak from long observation and experience, and with all the deliberation and conviction of which my understanding is capable, when I affirm, that, to unite all the powers of government in India in one person, would be a dangerous measure in one view of it, and a useless measure in every other. That it may be the cause of irretrievable mischief, and can answer no good purpose, which may not be more effectually accomplished by another course. I well know, Sir, that, at sight of any great distress, or mismanagement, or abuse in public affairs, the first idea that is apt to present itself to the mind is that of creating a dictator. When I say that this is the first idea that presents itself, I mean that it is not the result of experience and reflection. I will not argue upon the wisdom of such an institution in a political system, very different from ours. An arbitrary monarch, or a republic, may perhaps delegate all their power, for a limited time, to one person, with safety and effect. The dictator had power of life and death; and I will not undertake to deny, though I am far from meaning to admit, that a remedy of such violence, if it did not kill, might possibly cure. But remedies of this dangerous vigour are incompatible with our Constitution. You cannot give the power; and, if you could, it would answer no good purpose. My proposition is, that, for every

every good purpose attainable under our Constitution, a Governor and Council is a much stronger power than any that can be exercised by a single person.

As to any man who may have demanded such power for personal purposes of his own, I treat him, as I suppose this House would instantly do—I lay him entirely out of the question. But let me suppose the case of a man of unquestionable honour and integrity, who should insist on being vested with exclusive powers, with an undoubted intention of making the best use of them. To him I would say, “Sir, the confidence which you seem to repose in your judgment does not entitle you to mine. I know, from experience, that cases occur in the government of India, in which the advice and control of a Council are not only useful, but necessary, and in which the most prudent Governor will be the readiest to take advice. A wise Governor will not only take advice, but he will be glad to have the constant check and inspection of a Council over his actions. No man, whose intentions are upright, will feel himself fettered, or distressed by such advice and inspection.”

But it will be said that the plans and views of a Governor General, however proper and judicious, may be thwarted and defeated by factious opposition, and by divisions in the Council. To this I say, that, *prima facie*, a Governor is just as likely to be a factious man, and to have bad intentions, as any given member of the Council: nay, the presumption is against him in proportion to the superiority of his rank and influence. The elevation of power is apt to make men giddy; and the exercise of it, I fear, has no direct tendency to improve their morality. In all the divisions under Mr. Hastings’s government, the Court of Directors fixed the blame upon him. The two Committees of the House of Commons, who have inquired into our conduct, have done the same. Let it be admitted, nevertheless, that a majority of the Council is most likely to be in fault, and that they thwart the Governor General on factious principles, and for interested purposes of their own. If that should really happen, take care that you fix the blame where you ought to fix it. If you do not, you are unjust in the first instance, and that injustice will mislead you in the subsequent choice of your measures. Before you apply a remedy against faction, take care that you distinguish between the merit of the institution itself, and that of the persons who are appointed to fill it up. The wisest institution that human wisdom has been able to contrive, may be defeated by an improper choice of persons. On the contrary, a poor and feeble system, honestly, wisely, and vigorously executed, may be attended with all the effects

effects of a virtuous government, and many of the advantages of a strong one. If, when you have instituted a Council on the wisest principles, you fill it up with men of no ability or experience; with men of a questionable character; with men whose general principles are not previously known to one another; or, in short, with men whose rank and reputation in life give you no pledge or security for their good behaviour; and if then you find your Council distracted by factions; if then you find the wise measures of your Governor General resisted and defeated, do not condemn the institution, but blame yourself for the weak or shameful choice you have made of the persons, to whose hands you have committed the execution. On this point I desire to be understood to speak generally, and not to allude to any fact or individual whatever. Now, Sir, let me suppose, that, under the same institution, the choice of persons were to be directly the reverse of that which I have described: that none but men of proper rank, acknowledged ability, and unquestionable integrity, and whose general principles were known to, and approved of, by each other, were appointed to this Council; will any man say that a Council, so composed, is likely to thwart and embarrass a good Governor by a factious opposition to his measures? No, Sir; they will not weaken his authority by opposition, but they will make him powerful indeed by their support. A Governor General understands nothing of his situation, if he thinks that any power, directly vested in his hands, will carry half the sway with it that will always accompany the united acts of a Governor and Council. If he trusts to his own exclusive judgement, I tell him, he will find himself surrounded by some of the most artful men that exist: on one side, by natives, who, without our general knowledge, are infinitely sagacious, who observe us attentively, and understand us perfectly; and on the other by some Europeans, who, in every thing but their habit and complexion, are perfect Asiatics. No single unassisted English judgement is a match for such men, and for such peculiar faculties, as will collect about him from the moment of his arrival. If again he relies on his exclusive power, I tell him, that, for want of clear and accurate knowledge, he will rarely venture to exert it. Every man who approaches him will tell him a different story, or give him a different opinion. He will often doubt, and, when he doubts, he will not act at all. No vigorous determination can exist in a good mind, that is not produced by knowledge or conviction; but even his power, when he exerts it, will be feeble and ineffectual against the universal combination and clamour of all ranks, and of all interests, which will be formed to counteract him in every measure that tends to reduce exorbitant

tant emoluments, or to correct any abuse, from which individuals derive an advantage. In this respect, however, our fellow subjects in Bengal have full as much morality as we have. In parallel circumstances, the same thing would happen in England; but, in a great community, the reformer has the voice and approbation of a majority to encourage him. In a very narrow circle he will have no part of the society in which he lives to support him against the rest. They will all make common cause against him, and, sooner or later, overcome his resolution, or break his heart. Upon the whole, I am of opinion, that, in a plan of general reform, an united Governor and Council may do much—a single person can do nothing. For the truth of this proposition I would readily appeal to Mr. Hastings himself; and I would state the argument to him with an admission of all the personal preferences and objections which that gentleman could wish to establish. Let it be imagined, then, that the Legislature, instead of forcing him to act with men of unequal rank in life, of opposite views, of a suspected or doubtful character, and of an impracticable temper, such as General Clavering, Colonel Monson, and myself, had united him with men of his own cast and disposition, with men whose general views and principles determined them to give him the same cordial and vigorous support which he constantly and uniformly received from Mr. Barwell; then would he say, that a Council, so constituted, and so acting firmly together, would not have possessed in itself, and given the Governor a stronger power than any that could have been vested singly in his person, or any that he alone could have ventured to exert. I am much mistaken, indeed, if, on a case so stated, Mr. Hastings's opinion would differ from mine. This, at least, I may affirm with certainty, for my late honourable colleagues as well as for myself, that if the personal character, political views, and public principles of Mr. Hastings and Mr. Barwell had been such as, concurring with our own, had engaged us to unite cordially with Mr. Hastings, and to give him a steady and vigorous support, we should have thought his government not only more wisely calculated for all the purposes of council and deliberation, but even stronger in the execution, than any power that could have been vested in him alone; and that it would have carried an opinion, a dignity, an authority, and a sway, along with it, which no faction could have resisted, no combination could have withstood.

From all these premises, I come to my conclusion on the second general division of the bill, that the reduction of the Council from five to four was an unwise measure; that every idea of vesting great exclusive power in any single person, is, at once, useless and dangerous; that, for all good purposes,

an united Council is infinitely more powerful than a single person can be; and that even if the principle, on which the present law proceeds, were ever so just and necessary, I mean that of giving special powers to a Governor General, this law does not act up to its own principle, or provide for its own object. The power it gives is meanly and indirectly given, and it provides no security for its continuance, for a single day, in the Governor General's hands. On the whole, therefore, if you disapprove of the principle of giving exclusive power to a single person, you must condemn this law for having given too much; but, if you approve of the principle, you must then condemn the law still more strongly for having given too little.

We are now to consider the third great division of the bill; and, on this subject, I confess I expect not only a general attention, but a general concurrence and support. However indifferent and uninteresting the good or bad government of the East-India Company's affairs, or the welfare of the people subject to their power in India, may have been to the nation at large, or to a majority of this House, or to any individual member of it, there is not a man in the kingdom to whom the subject, that now calls upon you for your attention, ought to be indifferent. At first sight, it may perhaps appear to affect only a part of our fellow subjects who are at a distance from us. If that were true, I still should think it my duty to appeal to you in their behalf. This law declares that they are not so distant as to be out of the reach of its power. To whatever extent we carry that power, let us take care to shew that our justice goes along with it. Let no man in India have reason to say, that he is included in the power, and excluded from the justice, of the Legislature. But, Sir, it is not for them alone that I have undertaken this heavy task. The instant suffering is theirs: the consequence and the danger is yours. *Res agitur vestra*. A capital innovation is made in the criminal jurisprudence of England. New principles are introduced, not only in the system of our laws, but into the manners of the people. A new tribunal is erected for the trial of misdemeanors committed in India, and armed or accompanied with powers unheard of in this country. The ancient established mode of trial by a jury, and by the country, is renounced as imperfect and inadequate; a new and arbitrary system of inquiry and trial is established in the room of it; and all this is done for reasons and pretences equally applicable to any other sort of crime, and any other species of offender. This system, considered as a fact, I deem to be unjust and arbitrary. Considering it as a precedent, it holds out a general menace to the whole kingdom: it acts directly upon a few, but it threatens us all.

If, by the immediate acquiescence of the parties—if, by their voluntary surrender of their rights, the instant injustice of the fact could be palliated or removed, the danger of the precedent would be increased; for who would regard a distant menace, if he who was actually wounded were to suppress his resentment, or to admit, by his silence, that he had no reason to complain.

In agitating this part of my subject, the principle I set out with, and the main ground I take, is not only supported by the obvious dictates of policy and reason, but by the highest authority by which Parliament can be instructed. The authority I speak of is at all times entitled to submission and respect; but to the respect and submission of this House of Commons in particular, and of the present Administration, its claim is special, and not to be resisted. At the first meeting of the present Parliament, we received an admonition from the Throne, which, I am sorry to say, was very little regarded in our subsequent proceedings. The words His Majesty made use of ought for ever to be remembered—

“ The affairs of the East-India Company form an object
“ of deliberation deeply connected with the general interests
“ of the country. While you feel a just anxiety to provide
“ for the good government of our possessions in that part of
“ the world, you will, I trust, never lose sight of the effect
“ which any measure, to be adopted for that purpose, may
“ have on our own Constitution, and our dearest interests at
“ home.”

To insure the success of the present motion, I desire no better pledge or security than that the House should keep this wise admonition in their view, and be governed by it. The principle contained in it has already been successfully exerted, though, in my judgement, very erroneously directed, against a law proposed by a right honourable gentleman (Mr. Fox) near him—against a law, which, in no shape, invaded the Constitution, or affected any domestic interest that ought to be dear to us. The part which the nation in general took in that transaction has only proved the facility, in some cases, of substituting words for meaning, and of totally overturning the sense by the sound. The charter of a monopoly was confounded with the great charter of our freedom, and that single word *charter* decided the question. When the principle I have alluded to had done all the duty demanded from it, it was still indeed adhered to in terms, and delivered with great and awful solemnity, as an instruction to this House; but it was at that very moment completely abandoned in fact, and another, directly opposite to it, assumed, and acted upon. In little more than a month after the King had cautioned us, from the throne, “ never to lose sight of the effect which any

"measure, to be adopted for the good government of India, "might have on our own Constitution, and our dearest interests at home," a bill was brought into Parliament, which I affirm, and I have no doubt of being able to prove, attacks the Constitution of England in its foundation, and not only threatens, but invades, the security of every interest that ought to be dearest to us at home; which not only shakes the defences of our domestic establishment, but acts upon principles which ought not to be admitted under any government or constitution, or in any human society whatever. I desire it to be understood, Sir, that, in every thing I am going to say, I keep the King's speech in view as a beacon or landmark, by which my course shall be directed. In the first place, allow me to state, in a short, general view, what it is that this part of the law enacts. It begins with compelling a set of men, whom the law itself, in some sort, prejudices to be criminal, whom it strongly suspects, at least, if it does not accuse, of having acquired fortune by corrupt practices, if not by violence and extortion, to deliver an exact inventory of their property, on oath, as soon as they arrive in England. Now, Sir, with respect to men perfectly innocent and unsuspected, the best that can be said of the law is, that it is harmless. If that were all, it would then be equally useless. From those who are innocent you can extort no confession: but I deny that it is in no case a hardship and injustice to an honest man, to oblige him to declare publicly the exact amount of his fortune. Numberless cases might be stated, in which it might be, to a very honest man, a very arbitrary act of oppression. It might even happen, that the act might be oppressive in proportion to the innocence of the party; for, though his poverty might prove his innocence, it might easily happen that many a man would wish to have his innocence proved by any other kind of evidence. We do not live in times in which poverty is respectable. I fear the contrary is true, and that the law which compels an honest man to discover the narrowness of his circumstances, whatever it may intend, will, in effect, only serve or assist to fling disgrace upon ill fortune, and to make the most honourable poverty ridiculous. Men of this description ought certainly to be spared.

Now, Sir, admitting it to be an equitable supposition, that guilt and fortune go together; admitting it to be a sound principle of justice, that men should be tried rather by their wealth than by their actions, let us see how the law operates on those whom it may have reason to suspect — on men who may really have acquired an immoderate fortune by very unwarrantable, perhaps very criminal, means. See whether the option, which the law holds out to such persons, be likely to produce

produce any good effect whatever. It obliges the parties to chuse between a condemnation of themselves by a discovery of their guilt; and a concealment of their guilt by perjury. If this be the option, what is like to be the choice? That a man, accustomed to criminal practices of one kind, will be extremely scrupulous about committing another crime to protect the first; or that, being already guilty, he will make himself still more guilty in order to escape punishment. In my mind, Sir, all the effect of the law will be, to invite him to add one crime to another, and if he be already guilty of extortion, of oppression, of ^{fel}lony, to endeavour to cover it by perjury. In general, it is neither prudent nor equitable to place any man between a great danger, or a great temptation, on one side, and a moral or religious obligation on the other. The law should be tender of creating such dilemmas. To impose such a test on men whose integrity you already suspect, is worse than imprudent. It is an invitation to falsehood; because it annexes the expectation of impunity for one offence to the commission of another.

The law then, Sir, in the case of any complaint made to the Court of Exchequer, of wilful concealment of property, or defect, or evasion in the discovery, proceeds to subject the party to answer interrogatories, on oath, at the discretion of the Court. In both instances it revives a mode of inquisition and conviction which the Constitution of this country holds in abhorrence, and which our ancestors vainly imagined they had extirpated for ever, when they abolished the Star Chamber. With respect to the interrogatories, it might be sufficient to say, that they are liable to the same fundamental objection with the method proposed for extorting a discovery in the first instance; namely, that they place a person, who, by the supposition, is criminal, between the necessity of condemning himself by his veracity, or acquitting himself by his falsehood. But these interrogatories carry the same absurd and wicked principle a great deal farther. They suppose the party to have been guilty of perjury in the first instance, and they call upon him either to convict himself of that crime, or to cover it by a series of new perjuries in his answers to the interrogatories. I have stated the principles of the new inquisition as I find them avowed and established, and shall leave them, without argument, to the sensations and to the judgement of the House. To make it felt that they are arbitrary and absurd, requires no argument. The moment they are stated, they are condemned.

The law, having now exerted the utmost of its power to extort a discovery of guilt by the confession of the guilty, proceeds to supply the defects of that mode by another course, which indeed seems to promise a greater probability of suc-

cess, but, in my judgement, is still more detestable than the other, because it holds out rewards to treachery and baseness, and tends to corrupt and destroy all the little morality we have left in private life. This law formally introduces into the inmost recesses of personal confidence and friendship the worst of all the instruments that ever have been employed by power without right. It acknowledges the office of spy and informer to be useful in the general intercourse of society, and rewards him with a share in the success of his information. Sir, the man who discovers a crime, and brings a criminal to punishment, performs an honourable duty to the Public; but he who searches into the circumstances of another, who inquires in order to accuse, and who accuses in order to profit by the amount of his discovery, can be nothing but a traitor in private life; he never can be a useful servant to the Public. But the temptation held out by this law is not confined to common spies and informers; it goes to persons much better able to discover the amount of a concealed fortune, to persons whom you have particularly trusted—your agent, your secretary, your banker, or your friend. Who knows but that the invitation of the law may seduce a son to betray his father, a brother to betray his brother, and, what is worst of all, perhaps some person, whom you have essentially served, to betray his benefactor. The very money you have lent him, if, whether wilfully or not, you should have omitted it in your account, will enable him to accuse you of concealment, and entitle him to share in the forfeiture that follows. I appeal to every thing that is honourable and virtuous in this House—Is there an object of penal justice, against any particular set of men, adequate to the price you must pay for it, if you suffer such principles as these to be introduced not only into the laws of the kingdom, but into the manners of the People?

This appeal to the general sense and judgement of the House, I trust; will not be ineffectual: but the justice of my cause entitles me to look every where for assistance. There is a particular body of men, powerful in this House, and in this kingdom, who, I think, are bound by many special considerations to take part with me in the present question—I mean the gentlemen who have unaccountably been misled to give their consent to a law which bears hard upon their former companions, and upon all the connections they have left in India. I appeal to them as to men of honour, and put the question strongly upon their character, whether they will deliberately inflict upon others such restraints and penalties as, I imagine, they would have thought unjust against themselves? whether they will look back with sympathy and concern to the situations in which they were lately placed? or whether, having quitted their situations, they will content themselves

themselves with holding to all their deserted friends and companions the base exclusive language of personal escape and security — *Occupet extremum scabies*. — Sir, I am aware of the turn that may be given to an argument of this nature. It is directed *ad homines*, and with them it ought to have weight. But, in order to give point and direction to this appeal, and to make it intelligible by application, I desire leave to suppose that all the gentlemen alluded to were for a moment represented by one person, and that that person were my honourable colleague in the government of Bengal, now a member of this House, (Richard Barwell, Esq.) To him at least I have some right to address myself. I would request him to consider whether, if, before he left India, before he had remitted home and invested in England the honourable reward of his labours, (and certainly the labours were considerable, if we are to measure them by the amount of the reward) it had been proposed to him to give or refuse his concurrence to a law which should oblige him, the moment he arrived in England, to make a public declaration on oath of the amount and particulars of his fortune, which should compel him to submit to interrogatories on oath concerning the truth of every particular of that declaration, and which should hold out temptation and seduction to his agents, to his friends, and to every man in his confidence, (by the promise of sharing in his fortune) to find out some error in his account; whether, if such a proposition had been made to him, he would have thought it a just and reasonable law against himself; whether he would have assented to it with cheerfulness, or rejected it with indignation. I certainly meant to call upon him, if he had been present, to answer explicitly for himself; yet I think I know my honourable colleague's ideas and principles on this subject sufficiently to venture to answer for him. I will venture to affirm for him, that he would not have entirely approved of these inquiries into the state of his fortune, much less of the encouragement held out to his particular friends to accuse him. If I form a just judgement of my honourable colleague's principles, he will assist me in protecting others from an inquisition which he would have thought oppressive to himself. I cannot believe that he would apply any other measure to the actions of others, but that which he would willingly abide by for his own.

I come now, Sir, to the consideration of the tribunal and mode of trial which this bill creates, and substitutes in the place of the ancient trial, which every man in this land is entitled to, even the felon, the murderer, and the parricide, when he throws himself upon his country; that is, to be tried by twelve indifferent persons, as nearly as possible of his own level, and by the law of the land. Let us see what
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this tribunal is, how it is constituted, and how it is to act. In the first place, Sir, it professes to consist of thirteen persons, whom I will suppose for a moment to be chosen with all the indifference which the law affects. If they be really so chosen, it will not follow that, with respect to ten of them, namely, the four Lords and six Commoners, any advantage is gained over a jury in point of knowledge, or any other judicial qualification; for I believe it will not be denied that a special jury of English gentlemen is just as likely to be qualified for this or any other judicial office, as any ten members of the Lords and Commons taken at a venture. But the positive disadvantages of the new tribunal are many and obvious. The Lords and the Judges are not peers of the criminal. An institution, that calls on such persons for a verdict, renounces every use and advantage which the laws of this country annex to the trial of facts by our Peers. In favour of what? In favour of a tribunal, in which every one of the component parts is placed in a situation in which they were never placed before. This tribunal abandons the wise and ancient separation of the verdict from the judgement, and unites in the same persons the verdict, the explanation of the law, and the sentence. Lords and Judges are called upon to find the facts, and the Commoners, if they will, may determine the law, and pronounce the judgement. The vote of the Commoners, on a point of law, is just as valid as that of the Judge.

With respect to the method of choosing the pannel, I shall avoid saying any thing that may appear invidious or personal. My cause is too powerful to want the assistance of personal reflections. I stand on public ground, and shall take no other. I state it, therefore, only as a matter of fact, not only not denied, but defended, that, in the very first instance of choosing the pannel, out of which the new tribunal is to be finally selected, the choice was made by Treasury lists distributed among the members of this House, and that the persons named in those lists have been appointed. I state the fact without observation, and shall leave it so to the reflections of the House.

The law proceeds to prescribe a course, by which the whole pannel of three Judges, twenty-six Lords, and forty Commoners, shall be finally reduced to thirteen persons, whose names are to be inserted in a special commission, in order to form the new tribunal. On this part of the proceeding I observe, that, admitting the necessity of changing the form of administering criminal justice, it does not follow that there is any necessity for renouncing the fundamental principles on which that justice has been hitherto administered in England. Your professed object is to create an impartial tri-
bunal.

mal. The formation of a jury is so contrived, that it is scarcely possible it should not be impartial; then why abandon the forms established for the choice of a jury? The present way does so without reason or necessity. It allows the party the right of peremptory challenge only against thirteen of the peers and twenty of the Commoners. Now, supposing it proper to admit of none but peremptory challenges, why should the exercise of that right be stopped as long as a number of Lords and Commoners remain sufficient to form the tribunal: if, on the contrary, it be proper to limit the number of peremptory challenges, why should you restrain the party from challenging the remainder of the pannel for cause assigned? This, I affirm, is not only an unnecessary departure from the ancient constitution of juries, but a denial of right, completely unjust and absurd. It is unjust to force the party to include his challenges for a cause assigned within the number which you allow him to make peremptory. The result may be, that you will allow no peremptory challenge at all, since it may very easily happen that all his peremptory challenges may lie against persons against whom he might be ready and desirous to object for specific reasons. But can anything be conceived more absurd, than that the law should withhold perhaps to his malignity, perhaps to his caprice, and refuse to listen to his reason?

Against the three judges there is to be no challenge allowed, for reasons, I presume, deduced from the sanctity of their character and the respect due to their station. To the former I shall only say, that judges may be better men than we are, yet they are men; and that cases occur in which an exception to a judge, even in the discharge of his proper office, would be deemed valid, and would force him to retire. To the latter I say, that a judge has no right to carry along with him the respect due to his proper station, when he descends to any other. I will not challenge him as long as he maintains the station at which the Constitution placed him; but if he accepts another office, if he takes upon him to find the facts, if he descends to be a jurymen, he must accept of that office on all its conditions. He has no claim to the privilege of a judge, while he does that which no judge in this kingdom ever did before. But is it impossible that one of the three judges may be an enemy of the party accused? Would you actually appoint such a judge to try such a party? and, if the objection were so stated, would you affirm that it deserved no mention? If, even without supposing a direct enmity, two men were known to have stood on terms unfriendly to each other, would you appoint one of them to judge the other? Let me appeal to the honour of the learned gentleman opposite to me, who knows what has passed in India. If I were
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the person accused, would he chuse Sir Elijah Impey to be my judge? That gentleman, I presume, would decline the office. But for myself I can affirm, that if he should be accused, I would never sit in judgement upon him. I may be prosecutor—I may be evidence against him—but I will never give a judicial vote in any cause in which Sir Elijah Impey may be party, unless I can safely give it for him.

The tribunal, at last obtained, professedly consists of thirteen persons. For what reason this small number should afterwards be reduced to seven is not explained. The whole power of the thirteen is finally committed to a *quorum* of seven, provided one of this number be a judge. In so very small a number it might be thought, that an unanimous judgement might safely be demanded. In finding the facts, at least, it might be expected that their verdict should be unanimous; but in this tribunal a new and dangerous principle of decision is assumed. The sense of the court is to be bound and determined by a majority of votes; that is, the facts may be found, the law determined, and the punishment awarded by four persons out of seven; and the court may be so composed and divided, that possibly one Lord and three Judges may find all the facts against the finding of three Commoners, or *vice versa*, that four Commoners may determine the law against the three Judges. What they will do I know not; but this is what they may do under the present institution.

We are now to consider the course and conduct of the trial. With respect to the trial of crimes in general, I presume it will not be denied that two conditions are essential to the due administration of justice, at least that they have been hitherto thought so in England. The first is peculiar to our Constitution, that the jury shall not separate before they have agreed upon their verdict. The law is cautious of exposing the virtue of jurymen to the temptations which might be thrown in their way, if they were suffered to go out of court, and disperse before they had found their verdict. The law will not even confide in their judgement so far as to suffer them to listen to any extrajudicial evidence whatever. When once they are shut up, all access to them is forbidden. Let the House compare the wisdom of these precautions with the latitude allowed to the present tribunal. The commissioners may adjourn from day to day *ad libitum*. They may mix in society, and listen to all manner of discourses upon the subject matter of the charge depending before them. If the party accused be a very guilty man, he must be wealthy in the same proportion; and if the evidence should appear to go against him, what security have you that he will not attempt to corrupt the integrity of one or other of the commissioners.

sioners, whom he or his agents may meet out of court and converse with every day? Since a majority is to decide, it may happen that, by corrupting one out of seven, the judgement may be in his favour. In all these observations, Sir, I earnestly desire it to be understood that I speak of institutions, and not of persons. The Lords and Commons, who compose the present pannel, are honourable men; so we are all: but let it be remembered that laws are made to guard against what men may do, not to trust to what they will do. Admitting corruption to be impracticable, there are other sorts of influence, against which the virtue of men should equally be defended. The language of personal enmity, or public odium, on one side, or of interest, solicitation, or compassion, on the other, may engage the passions, or bias the judgement of the judge. But if any of these Lords and Commons should be connected with the Administration, and if the party accused should be a person whom the Minister should think it necessary to seduce or intimidate; whose fortune, for example, might entitle him to a seat in the House of Commons, then look to the consequence. Who will venture to affirm that it is impossible for a commissioner, so connected, to sound the inclinations of the Minister; to apprise him what turn the trial is likely to take; and to receive his instructions from time to time for his own subsequent conduct. Of the present Minister I am ready to admit, that so base a practice is not to be suspected. Concerning his personal honour, I am ready to take every thing for granted that his warmest friends can say of him. My argument is applied generally to things, not to men; and stands abstracted from all personal considerations whatsoever.

The second great consideration, which I deem to be essential to the administration of justice, and which is admitted to be so not only in this country, but in every other where justice is really administered, is, that the trial should be in open court. The law of England does not allow that justice can be done in secret; therefore will not suffer the doors of a court of justice to be shut. The wisdom of our ancestors has deemed the inspection of the public eye upon the proceedings of the court to be a powerful guard over the virtue of the judge; and the best and wisest of our judges have thought it no impeachment of their integrity. An open trial obliges the judge, in every question that comes before him, to chuse between his duty and the loss of his reputation. On the face of the present law, I see nothing that provides for and secures a public trial: for any thing that appears to the contrary, the commissioners may sit, in close recess, in one of the chambers of the Treasury. If I am mistaken on this point, I wish

to be corrected, for I should be sorry to load the law with an ill-founded imputation.

Sir, it requires but little ability to shew the dangerous nature and effect of these invasions in the plan and system of the laws of England. He who is able to state the fact, demonstrates the consequence. But we have been told already, and I expect we shall be told again, that necessity supercedes all principles; that there is no alternative; that offences committed in India are of such a nature, that it is impossible to bring them within the cognizance, and of course to subject them to the verdict of a jury. It may be so: but I own it is a proposition that passes my understanding. When, by virtue of the powers already vested in the courts below, the necessary evidence, from depositions taken in writing, shall be obtained from India, why the whole of it may not be reduced to distinct issues of fact, on which a jury may pronounce as well as any other tribunal, is a question to which I am not able to conceive a satisfactory answer. We are not speaking of political offences, of crimes against the state, which, in many cases, perhaps can only be established by a minute examination of letters, instructions, and correspondence, and by a careful deduction and inference from intricate proceedings to certain motives. The declared and only object of the present law is to prosecute and bring to speedy and condign punishment persons guilty of the crime of extortion and other misdemeanors. These offences, if committed, are matters of fact, on which it remains to be proved that a jury of English Commoners cannot find a verdict, but on which a court, consisting of Judges, Lords, and Commoners, can very well find a verdict, declare the law, and pronounce a judgement. I distrust my own knowledge too much, and see too much legal learning opposed to me, to undertake to prove a negative to that proposition. Yet even that task would have been undertaken, and I doubt not with success, by a learned gentleman, (Mr. John Lee) whose heart, as well as his learning, goes with me on this subject, if a severe illness, unfortunately for me and for the Public, had not prevented his attendance this day. I lament his absence, though I know I shall not be left without some powerful legal support. Strictly and properly, the burden of the proof lies on the affirmative. They who innovate are bound to shew a sufficient positive reason for the innovation. They are bound to the direct proof of this clear, distinct proposition; namely, that a jury is absolutely incapable, and cannot by any means be made capable of trying an act of extortion, or other misdemeanor, committed in India. No doctrine, that does not clearly and distinctly go to the full extent and meaning of this proposition, will support the present law. The innovation

tion is avowedly founded on a supposed necessity, and no alternative. But if a jury either is, or can by any means be made capable of the service, you have an alternative; the necessity does not exist, and you have no pretence to innovate. Sir, this will be a serious undertaking for men of rank and character in the profession. It is not a trial of skill between cunning knowledge and unlearned reason: it is not a victory of legal argument over an unlearned individual, contending for his birthright, which, on such a question, will satisfy the sense and judgement of this nation. The learned person, who ventures to affirm that the proposition is true in the terms in which I have stated it, should remember that his character is at stake, that he acts under the inspection of the public eye, and that he is going to chuse between his duty and the loss of his reputation for ever. I will tell him too, that I have good reason to believe, though I do not directly assert, that the first law authorities in this kingdom are against him. I trust he will find it so when the question comes to be agitated, as ere long it must be, in another place.

Before I conclude this part of my subject I flatter myself the House will allow me to remind them of the little triumph that prevailed when a right honourable friend of mine (Mr. Burke) declared very lately, that, after long and serious deliberation, he preferred the trial by impeachment to that of prosecution in the courts below, for the purpose of bringing a capital Indian delinquent to justice; as if my right honourable friend had thereby abandoned the trial by jury, and furnished the advocates of the present tribunal with reason to conclude that his opinion on this subject coincided with theirs. I hope to be able to convince the House that the conclusion was precipitate, and the triumph premature. I should indeed have thought myself unfortunate if the sentiments of my right honourable friend had differed from mine on this important question. I should have distrusted my own most deliberate judgement, and should have acted with hesitation and reluctance even upon the most deliberate conviction. The relation in which I stand to my right honourable friend, gives him every claim over me that belongs to authority, and justifies submission: it is that of a being that is instructed, to the being that instructs him. Sir, I am not here to pronounce my right honourable friend's panegyric; nor, if I were equal to the task, would I now venture to undertake it: it would lead me to reflections that would utterly discompose me—to the recollection of virtues unrewarded, and of veteran services growing gray under the neglect, if not ingratitude, of his country. If fame be a reward, he possesses it already: but I know he looks forward to a higher recompence. He considers and believes, as I do, that, in some

other existence, the virtues of men will meet with retribution; where they who have faithfully and gratuitously served mankind, "shall find the generous labour was not lost."

On the point in question there is no difference between us. His opinion comes in aid to mine: our minds are united, and our principles act together. If it be a contradiction to say, that, for the punishment of crimes of a special quality and magnitude, the trial by impeachment is the safest, the most effectual, and the best; but that, for offences of a lower order, the established trial by jury should still be adhered to. He who maintains the affirmative, charges that very contradiction upon the laws, the institutions, the practice, and the wisdom of England, ever since Parliaments had a being. I am not afraid of erring with such powerful and venerable authority. The trial by impeachment is founded on a popular right, coeval with the House of Commons: it is as well known and as well established in our Constitution as the trial by jury, though it cannot occur so often. There are cases of crimes and of criminals, to which no other form of proceeding is adequate, to which no other mode of trial is commensurate. In such cases, the trial by impeachment does that which no other trial can accomplish. It not only forces the crime to an inquiry; it not only demands justice against the criminal, and insures his punishment; but it provides for another object, which, in some instances, is not less interesting and necessary than even justice and punishment. It clears the honour of the nation in which such crimes are committed, and to which such criminals belong: it vindicates the character of this country from reproach in the judgement of mankind. These are the occasions in which the pre-eminence of the wisdom and justice of England displays itself over all other nations. Other nations may rival us in our crimes — but there the competition ends. In England alone the dignity of the trial rises to a level with the eminence of the crime. When the House of Commons impeaches, it is a solemn appeal to the judgement of the world. When crimes are charged, by which the happiness, if not the existence, of whole nations has been affected; by which states and princes, and all the highest orders of men as well as the lowest have been reduced, by the base and iron hand of upstart power, to misery and ruin, the trial by impeachment makes proclamation to the kingdoms and princes of the world to attend and look on, while the democracy of England advances in person to the charge, assumes the noble office of accuser, and forces the crime to trial before every thing that is great, and noble, and wise, and learned, and venerable, in our country. The crime, the criminal, the prosecutor, the judges, the audience, and the trial, produce and constitute a scene which

which no other country can exhibit to the world. Let us hope that the necessity of so solemn a proceeding will not often exist hereafter. The Constitution has wisely reserved it for crimes of special magnitude, and rare in proportion to their greatness. The same Constitution has provided, with equal wisdom, for the punishment of offences of an inferior rank by another course, equally appropriated to its object. Let my right honourable friend proceed, therefore, to the discharge of that elevated duty, to which his eminent abilities call him. There are still other duties to be performed by inferior abilities. While he travels on in the high road of impeachment, I shall endeavour to attend his course in a narrower track, but in a parallel path. The lines we act in neither cross nor diverge: they are equally directed to the same general object of justice, and they run together.

Now, Sir, the principal part of my task is completed; for, generally speaking, my present purpose is not so much to institute, as to correct. I mean to take away a great deal, but not to enact much in the place of it. In other circumstances, I should have thought myself bound to attempt a great deal more. If I had been united in views and sentiments with the acting Administration of the country, and might therefore have hoped for their support in the plan, and their hearty concurrence in the execution of a new law on this subject, I certainly should have extended my thoughts to a comprehensive positive institution for the better government of India; but, since I do not stand in that predicament, I must adopt another conduct, conformable to my situation. I must take care that whatever I propose, *rebus sic stantibus*, whether to correct or to enact, the thing I propose may execute itself, and not depend for its success on the temper of Administration. I must take care not to aim at any thing but what may really be attainable under the present circumstances; and finally, that while I am endeavouring to do good, I may be sure of doing no mischief. Acting on these limited principles, I shall proceed to state to you briefly and generally what I propose to do. If the motion should be carried, my purpose is to extirpate out of this bill the principal evil that belongs to it; to revert to that which was good before, or which, if not perfect in itself, has not been improved by innovation; to strengthen that good, if it be feeble, and not to enact much by positive institution. I would rebuild the house I live in from the foundation, if I could; but since that is not in my power, I will endeavour to repair it.

Protesting, as I continue to do, against the form in which the executive powers of the India Company in England are actually distributed, and declaring, as I do, that, in my opinion, a more absurd system of government could not have
been

been imagined, I shall leave it as it stands. I perfectly know that an attempt to alter it would have no chance of succeeding; nor would I trust the execution of a better system in the hands of men who were adverse to it.

With respect to the government of Bengal, the alteration I shall propose is no more than to revert to the former constitution, which this law has very unwisely altered. I would replace that government in a Governor General and four counsellors, with nearly the same powers with which they were invested by the acts of 1773 and 1781. This alteration is easy, and will execute itself. It has an accidental advantage too, which may recommend it to the favour of those who possess the patronage of the Company. It revives a fifth office of counsellor, with ten thousand pounds a year.

With respect to all that part of the law which creates an inquisition, which compels the subjects of Great Britain to answer interrogatories on oath, which endeavours to corrupt the virtues of private life by promising to make men rich, if they turn traitors and informers, and which deprives the subjects of this kingdom of their great chartered right, of their common-law right, and of their unalienable birthright, a trial by their peers, my intention is to tear it out of the statute book—I would erase it, if I could, from the memory of mankind—I would replace the criminal law of England in the state in which it stood. If the powers already given to the Court of King's Bench, for the purpose of obtaining evidence from India, be insufficient, I have no objection to enlarging them. If the formality of pleading, or the present rules of evidence, or any other formality, stands in the way of justice, let the law be altered; but when the evidence is once collected and prepared, let it be submitted to a jury. With respect to written evidence, though I allow it must be accepted, since, in some cases, it may be impossible to obtain any other, yet I think the present law abuses that concession, and carries the admission of written evidence to a most dangerous excess. It is enacted, "That all writings which shall have
" been transmitted from the East Indies to the Court of Directors, by their officers and servants resident in the East
" Indies, in the usual course of their correspondence with the
" said Court, and which in any manner relate to the subject
" matter of the charge, may be admitted to be offered in evidence." The correspondence, so described, I dare say amounts to above a hundred large folio volumes every year: it comprehends not only the proceedings of the superior councils in India, but those of their subordinate councils, and all the correspondence of all of them with every individual with whom

whom they have any transaction or intercourse whatever. The law declares that every thing contained in this enormous heap of writing may be admitted to be offered in evidence, and then the Court is to sift and examine it. The task would be a heavy one, even if a clear, certain rule could be established for distinguishing the credible parts of such evidence from the rest. The effect of this clause will be to make the Company's correspondence an indirect channel of accusation between man and man, and to fill it with every thing that interest, jealousy, or malignity can invent, or that ignorance and folly can believe, on any subject. I will not now attempt to state any precise limits for this dangerous admission of written evidence. In general, I shall only say, that authentic copies of the orders of the Court of Directors may be admitted as evidence, when the charge is for disobedience; and that every man's writing, or an undoubted copy of it, may be evidence against himself. On this point I hope to be assisted with legal advice, and to be able to state my opinion with greater precision, if I am permitted to bring in the bill; and here I shall conclude.—They who may differ from me in opinion cannot reasonably impute the part I have taken in this business to any personal apprehension or interest of my own. As to myself, I stand as clear of the law as if I had never been in India; and as to particular friends or connections, I have now but very few in that country: those few, I fear, have not prospered. If any of them are rich, they have no occasion to stay there. If any of them are conscious of having used improper means to acquire a fortune, they will naturally shelter themselves under the present law, by returning to England before January, 1787. I attack this law, because, in fact, it holds out protection to the guilty, and tends to corrupt the innocent; because it introduces false principles into the administration of justice; because it is unjust in its immediate application, while it establishes a precedent dangerous to this kingdom; because it takes away the trial by jury; because it invades and alters the Constitution; and because it shakes the security, and threatens the liberty of every subject of Great Britain.

I therefore move, “That leave be given to bring in a bill
 “to explain and amend an act made in the twenty-fourth
 “year of the reign of His present Majesty, entitled, ‘An
 “Act for the better Regulation and Management of the Affairs
 “of the the East-India Company, and of the British
 “Possessions in India; and for establishing a Court of Judicature
 “for the more speedy and effectual Trial of Persons
 “accused of Offences committed in the East Indies.”

Mr. Wyndham seconded the motion.

Mr.

Mr. Dundas

Mr. Dundas remarked, that when the honourable gentleman (Mr. Francis) who spoke last, adverted to a new judicature for the trial of persons accused of extortions and other misdemeanors in the East-India settlements, he certainly included in that division of his strictures upon a bill which he proposed to amend and mollify, what did not immediately belong to it; and this was, the obligation imposed upon the servants of the Company at their return to Europe, to account on oath for the property which they might have acquired during their residence in India. He should not, for the present, enter into the full extent of the question, but say something concerning each part of it, reserving the remainder for a future occasion, not far distant, when the subject would again be brought by him before the House. The honourable gentleman complained, that in the alteration which had been made in the government of the Company's affairs at home, the responsibility was so divided between the Board of Control and the Court of Directors, that it became impossible to ascertain, in case of miscarriage, where the fault existed. To this he would answer, that at present the responsibility was infinitely more direct and complete than it had been before; for, when the Board of Control, and the Court of Directors coincided in their orders, then each body was answerable, but when they differed then the Board of Control was liable to account; by which means the responsibility was rendered more tangible, as it was in some instances transferred from a fluctuating and uncertain body, as the Court of Directors were, to one of a permanent constitution, the Board of Control, and in other instances extended to them both. It might happen in the former system for the whole body of Directors to be changed between the time of adopting a particular measure and the discovery of the bad consequence resulting from it; who then was to be called to account? The criminality would appear, but the authors of it could not be found. As to the honourable gentleman's complaint, that the executive authority of the Company had been separated from the patronage, that, he must contend, was the most valuable and beneficial part of the whole system; because, when the executive power was in the Directors, the patronage which they enjoyed tended very much to fetter and embarrass the exercise of that power; for every order of theirs being calculated to affect their servants in India, and those servants being appointed by themselves, and of course out of their own families and connections, it followed that they had private feelings with regard to them; which private feelings and affections, from the natural prejudices and weakness of humanity, materially inter-
fered

ferred with their conduct respecting the Public. Now the separation of those two powers of executive government and patronage would effectually remedy that inconvenience; and the Board of Control having no such ties of friendship and affection to the servants of the Company, would have no other object in the execution of their office but the benefit of the Public. As to the alteration in the governments in India, he was decidedly of an opinion contrary to that given by the honourable gentleman; and though he should feel great uneasiness in being obliged to enforce his own theory in opposition to the experience of the honourable gentleman, yet that uneasiness would undergo a diminution in consequence of the authorities with which he could meet the honourable gentleman's personal knowledge of the subject; for there was not a person whom he had conversed with who had not condemned the former state of the government of that country, and among the rest he could bring as an instance, a noble Lord (Macartney) who had declared, that none but a madman would consent to accept the government while it remained upon its former footing. He must also beg leave to insist, that the honourable gentleman's proposal for remedying the disease of a casting voice [Here the House and Speaker laughed] was by no means adequate to the object; for the appointing five persons to the council would not prove sufficient, unless it could be contrived that those five persons should all live, for otherwise, the determination of many questions must depend upon the casting voice, and it was extremely probable, that during a long series of years, no question would be decided except by a casting voice. On one part of the subject the honourable gentleman seemed to ground his principal objection to the present system, it was that which established a new judicature for the trial of delinquents returned from India. On this head he could not but differ most widely from the honourable gentleman. This judicature, he should admit, was represented by some persons at home, and he believed was looked upon by many others in India, as a most dangerous and exceptionable measure; but he had reason to think that in general it was considered in a very different point of view. He could venture to affirm, that the present mode of trial had all the advantages attending the trial by special jury, and none of its disadvantages; that although the defendant had no right of challenge, yet there could be no objection to that defect, because the court was appointed in such a manner, as to leave no room for the necessity of admitting challenges, which existed in trials by jury: all persons who might be supposed to entertain any bias or prejudice, either from their having been too intimately acquainted with the circumstances, and therefore

being liable to a suspicion of having been predetermined; all who had ever been in India, all who were connected with the India Company, or who could be supposed under the influence of government by means of employments, were excluded.

The court consisted of persons of high rank and character, and such as could not afford the smallest reason to apprehend any injustice or partiality from them, unless under the strange idea, that justice and impartiality were things not to be found amongst mankind in any class, and if so, then no judicature could be thought upright. In answer to the doubts which the honourable gentleman had expressed arising from the danger of the judges being corrupted, he thought himself justified in contending, that if there were any foundation for such an apprehension, there was also as much danger in every other trial, for even before a jury the judge had great weight and authority; he could positively determine on the competence and admissibility of evidence; he had great influence in establishing its credibility; and besides, it was part of his duty to sum up the whole and put upon it that construction which seemed to him most proper; he had, in short, in many instances extensive power, and in others great influence, until that stage of the trial in which the jury were closeted for their final determination: and as the three judges were to be appointed, one by each court, there was no doubt but such of them would be appointed by their brethren on the bench, as appeared to them most proper from being least liable to any unfair impression or prejudice. A right honourable gentleman (Mr. Burke) when opening proceedings against the East-India governor, Mr. Hastings, and expatiating upon the different modes of bringing a delinquent from that country to justice, had disclaimed the trial by jury as ~~not~~ calculated for the cognizance of such accusation; and in so doing he was certainly extremely prudent; he himself knew too well how difficult it was to proceed by a bill of pains and penalties; because, when on a former occasion he adopted that method, he found numbers of gentlemen who, though willing to prosecute the accused, and to inflict an adequate punishment where guilt was proved, yet declared, that they would then, and on all occasions, set their faces against a bill of pains and penalties: the only remaining method therefore of proceeding was by impeachment, which the right honourable gentleman to whom he last alluded had adopted in the prosecution at that moment depending, as the only way by which justice could be expected. Of the two modes of trial, that by the present judicature, and that by impeachment, he thought the former as unexceptionable as the latter; as well from the

purity of its appointment, as from the numbers of which it consisted; for the court of the Lord High Steward might consist of as few members as the East-India judicature; and the House of Lords, when they sat in the high court of Parliament, were not subject to any challenges, to which this court, though not actually, yet, from the mode of its constitution, might be said virtually to have become liable. The honourable gentleman expressed his uneasiness, that no provision had been made to prevent the Court from proceeding to trial with shut doors; but he apprehended that the omitting to mention any such matter in the bill was by no means a sanction for adopting a custom so diametrically opposite to the common law, which directs, that all courts of judicature shall be open, and which of course, the present one must be in compliance with the rules of the common law, which are always to continue in force unless particularly avoided by the express words of a statute, which not being done in this act, there could be no pretence for the doors of this court being shut. On this occasion, he should beg leave to instance the election bill, framed by a late member of the House (Mr. Grenville) in which there was no particular injunction preserve secrecy in the proceedings of the Committee to be appointed under it; and yet, in pursuance of the principles of the common law, their doors were always kept open. The complaint made of the power which the Court had to adjourn from time to time, was one which, like some of the others, proceeded from the principle, that human nature was so depraved that no security could be expected against wickedness and temptation. He should therefore attempt to give no answer to it upon that principle; but only instance the last-mentioned judicature under the election bill, and also in the case of trials before the House of Peers, where it was the constant practice to adjourn *de die in diem*, and yet in either case was it ever pretended that there was any danger of undue influence being used by His Majesty's Ministers, as was now attempted to be suggested. — Another consideration which tended to prove the absolute impracticability of resorting to trial by jury was, the great scope of evidence that in general it would be necessary to produce on such occasions: as, for example, in the case of Sir Thomas Rumbold, and also in that of Mr. Hastings; the evidence was so various and voluminous, that it was physically impossible that any jury could have strength sufficient to go through it without retiring to rest, and without other refreshment.

As to the objection which he had heard made against the admitting the writings and correspondences from the East Indies to be admitted in evidence, he apprehended that gentlemen were not sufficiently acquainted with this part of the

subject: they seemed to think, that all writings whatsoever coming from that country were intended by the act of Parliament to have full validity given to them as evidence in the newly-established court; but this was by no means the case; for every paper was liable to be scrutinized according to the common rules as well of admissibility as of credibility which were used with respect to other witnesses; and if any should appear to come from a person prejudiced or interested in the event of the trial, it would be considered as wholly inadmissible; or if it should prove inconsistent, contradictory, and improbable, it would then be considered as incredible. It was no new thing to bring the correspondence of the Company's servants as evidence into a court of justice; because the act of 1773 had made a provision for the purpose, declaring such papers to be competent evidence; and indeed, in most instances, it would prove impossible to investigate a complaint from that country without recurring to such sources of information; and besides the other arguments tending to vindicate the departure from the trial by jury in this instance, the necessity of admitting such evidence was a very strong one; for, however expedient it might be in some cases to adopt new rules of evidence, it would prove extremely dangerous and improper to habituate the minds of the common juries of the country to such a change: because, being in certain cases used to look upon that as evidence which the peculiarity of the matter alone rendered so, they might, in cases where no such peculiarity existed, be inclined to receive similar impressions from similar documents, and by those means the rules of evidence might become fluctuating and liable to change, a circumstance to the full as dangerous and as necessary to guard against, as any change in the other forms of judicature could possibly be. As to the novelty imputed to this departure from the established practice of trial by jury, no such did exist, for it had long since been adopted both in the army and navy, and no person ever pretended, that any precedent was likely to flow from the institution of naval and military courts martial, dangerous to the constitution and laws of the country.

Respecting that part of the subject which related to the oath required from persons returning from India, to ascertain the amount of their acquisitions in those parts, he had not completely made up his mind; but having intended to bring the subject before the House in a short time, he had been in the habit of considering it attentively, and should, in a few days, come to a settled opinion concerning it. The reason of his doubt was the variety of sentiments he had met with in letters from India, some of which contained an approbation of the restriction, while others severely condemned it. It would how-

however answer part of the objections stated by the honourable gentleman, to shew, that all of them at least were not perfectly well founded, and that the institution was not liable to the whole of the obloquy thrown upon it. The honourable gentleman had cited an example, drawn from the case of his own colleague in the administration of Bengal, and had said, that if the question had been put to that gentleman, whether he should be satisfied on his return to England to be called upon to take an oath of the nature prescribed by the present system, he thought it highly probable that he would answer in the negative. The honourable gentleman had stated, that if the services of his said colleague, were equal to his rewards, they must have been great indeed; which words could have no other implication than that his rewards were greater than his services merited: was not this then a strong argument in favour of the oath; for, was it not as much as to say, that if the oath had at that time been necessary, the gentleman alluded to having it before his eyes, and having also objections to taking it as his circumstances then stood, would have acted in such a manner as to have enabled himself to take it with a safe conscience? By this means the evil would have been prevented, and this prevention was the chief object of instituting the oath; for many persons, though they might be inclined to submit to those temptations which that country was supposed to hold out, and which by some were represented as being almost too strong for flesh and blood to resist; yet, knowing that the consequence of doing so must necessarily be either avowing their guilt, or adding to it the crime of perjury, they would be restrained and prevented; and thus the oath would operate to strengthen and confirm their consciences.

The honourable gentleman had farther complained of the interrogatories which people were to be compelled to answer, after they had made a direct oath, and had represented it as a new thing thus to call upon men to acknowledge, that they had been guilty in the first instance of perjury. But surely if the honourable gentleman had considered what were the usual modes of examining upon oath in this country (for the principal method of sifting a witness, in order to ascertain the truth or falsehood of his testimony, was to cross examine and put such questions to him, as in spite of all his artifice and cunning should force him to speak the truth) he would find no ground of complaint, either as to the novelty or hardship of the regulation. Such was the case of bankrupts, who, though in matters that might affect their lives, were bound by law to answer such interrogatories touching their effects, as might be put to them by those intrusted with their affairs. On the whole, he should not give a negative to the present motion, because

lemen would recollect, that though he did vote for this obnoxious clause, yet he had invariably opposed both in and out of the house all the ill-founded clamour raised respecting the enormities committed by British subjects in India; that he could affirm, and always had affirmed, that there was, in no part of the world, if they were taken collectively, a more respectable set of men than the gentlemen serving in India, or men who had deserved more of their country; but the clamour having been raised, he conceived such a clause, which would have proved the justice of the outcry, might have shewn how much the People of England had been misled, and he had no personal objection to it. It had, however, occasioned general dissatisfaction, and he hoped it would be repealed. With respect to the judicature, upon the fullest and most deliberate consideration, he did avow his complete approbation of it, and he thought if crimes were committed in India, which afterwards came to a trial here, it was impossible to find a purer court before which any man could so soon wish to be tried; for offences committed in India could not, he thought, be tried by a jury in the common modes of trial. There was one thing mentioned by the right honourable and learned gentleman (Mr. Dundas) which had given him very great pleasure indeed. From what he had thrown out, he trusted that such a firm and efficient government was to be established in India as would render the proposed judicature totally useless; for he was convinced that a steady and strong government abroad would prove fully competent to correct every abuse which might exist in that quarter. The honourable gentleman who opened the bill had dealt in panegyric and invective. He had mentioned Sir Elijah Impey, who was not present to defend himself; but if the honourable gentleman had been displeased with Sir Elijah Impey's decision, an appeal lay open to him.

Mr. Francis.

Mr. Francis spoke to order, contending that the honourable gentleman had totally mistaken his meaning.

Major Scott replied, that he submitted with pleasure to correction, and would embrace a future opportunity of replying to the panegyric of the honourable gentleman.

Mr. Jolliffe.

Mr. Jolliffe observed, that it seemed agreed on all sides that the bill brought in by the right honourable gentleman, for the regulation of the government of India, was defective, and of course required amendment; that some thought the government at home improper; that others objected to the government abroad; but that all seemed to agree that it was capable of considerable reformation. The honourable gentleman near him (Mr. Francis) had moved for leave to bring in a bill for this purpose; it was therefore exceedingly ungenerous in the right honourable and learned gentleman to resist that

that motion by a previous question, when he declared at the same time that he proposed to make the very same motion himself. This was taking all the merit from his honourable friend; this was saying, "I agree with you entirely; but because you have brought forward that which every body approves, you shall not have the merit: I have the strength in my hand; I will wrest the honour and reputation from you of serving your country." With respect to the government at home, he was of opinion that the bill of the right honourable gentleman (Mr. Fox) was the most calculated to produce good; for it gave to the State the government of the territory, which every body admitted was the property of the State, and which that House had voted to be so, and it left to the India Company the management of their trade; this was all which they could claim. Concerning the government in India, he differed from his honourable friend, (Mr. Francis) because he thought the government abroad, in the hands of one, was more consistent with an operative, executive government than divided among a number, who, in all probability, would disagree upon the manner in which the various operations of government should be conducted. By being in one person, the country knew where to look for responsibility, and it was much easier to remove one person, and appoint a successor, than either to displace a body of men, or to select out of a number one or more at such a distance, whose conduct might be variously represented, and with respect to whom there might be much difficulty in judging. The chief cause of his rising was to enter his protest against the new-adopted mode of trial; for he considered the trial by jury as the great paladium of the Constitution of this country; as the only security which Englishmen had for their lives, their liberty, or their property; as the great barrier for the People against the power of the Crown, or the influence of the aristocratic part of the country; every innovation on this right, every, the smallest, alteration of it should be watched and attended to with the minutest care. How much, therefore, should the alarm be taken at (not the deviation from this mode of trial, not an alteration in point of form, or in matter of evidence, but) an absolute subversion of it, by appointing a new, unheard of, unconstitutional system, which, if admitted to be proper in the trial of the delinquents from India, would equally hold applicable to any other part of the dominions of Great Britain; and it might be argued as fitting to extend to offences committed in the West Indies, in Ireland, or even in Scotland. No man could say, if the principle were once admitted, to what it might not be argued as proper to be carried. The right honourable and learned gentleman was so sensible of this, that he had en-

deavoured to shew (but on the falsest grounds) that this mode of trial was in fact a trial by jury. He desired to ask in what respect it resembled it? A jury consisted of twelve persons; but this was an indefinite number, from thirteen to seven: a jury must be unanimous — a majority here determined; yet a jury must decide before they could separate; but this court might adjourn *de die in diem* as long as they pleased: a jury could have no intercourse whatever with the parties; yet these might have any communication they pleased with any or all of the parties: a jury were to determine the fact, and not the law; but these were to determine both fact and law. There was, in truth, no one thing in which they resembled a jury, except that they were sworn; but the greatest absurdity was, that as a majority of seven might determine, those who heard the trial might not be the same as those who gave the verdict; out of thirteen, seven might hear part of the trial, three might be absent, and three others hear another part, and, at last, six fresh attend and decide upon the whole, without having heard one word of the merits. The judges could not declare the law; for they might be overruled by ten, or by seven, or by four of the other members: so that what was not law might be determined to be law against the declared opinion of those who are appointed to declare the law in every court in the kingdom; the rules of evidence, one great security to justice, might, in every instance, be departed from, and the judges sit by spectators, unable to prevent such a violation of first principles of the law. In a court of law, the judge is answerable for the law which he lays down, that it shall be law of the land; but in this judicature no man was answerable for his conduct. This, he was sure, need only to be known to be reprobated: it required only to be divulged and understood, to call the universal voice of the country for its repeal.

Mr. Henniker.

Mr. Henniker, immediately before the previous question was put, rose (upon an idea suggested, that those who voted for it were pledged to support the intended amendment proposed by Mr. Dundas) to say that the grounds on which he supported the previous question were, that, on a competition between two honourable gentlemen (Mr. Francis and Mr. Dundas) to propose that amendment, he was thoroughly satisfied that the person who had a great share in the formation of the bill was the most proper to move for its amendment, and that when the whole was brought forward he should be then more competent to determine on the intrinsic merit of the mode of Indian government: yet he must beg leave to assure the House how much he spurned at the bare thought of irrevocably pledging himself to vote for the amendment suggested by the right honourable and learned gentleman, (Mr. Dundas).

das) unless it were to come home, in all respects whatever, to his unbiaſſed feelings and his ſincere opinions.

The previous queſtion, moved by Mr. Dundas, was carried.

Upon bringing up the Ordnance Report,

Sir *John Miller* obſerved, that he ſhould move for its re-^{Sir John Miller.} commitment, with the intent, that after he ſhould have ſtated his reaſons for voting againſt the late extenſive ſyſtem of Ordnance fortifications on the preceding Monday, he might ſatisfy the Houſe that his objections to that ſyſtem did not, in any degree, go to the more immediate and neceſſary accommodations and ſecurities of the dock yards of Portſmouth and Plymouth, which he conſidered as of the higheſt importance to this country; and in order that the Houſe might be unapprized of the object of his motion as well as to economiſe their time, their trouble, and their attention, he ſhould now ſtate to them the motion with which he intended to cloſe his obſervations and opinions upon the ſubject of our fortifications. He then read his propoſed motion, to the following effect: "That the ſum of 50,000l., granted in a former ſeſſion to be employed in fortifying our dock yards, be now applied in the following manner, viz. in bringing freſh water to the dock yard of Plymouth; in building and furniſhing gun boats, agreeable to the unanimous approbation of them by the ſea and land officers in their Report now on the table of this Houſe, as expedient for the defence of our dock yards; and for the erecting ſuch bomb proofs and caſements within the ſaid dock yards as ſhall be judged moſt immediately neceſſary, as well as moſt effectual for preſerving ammunition, proviſions, and ſtores, from the ſudden irruption of an enemy; and alſo for the erecting certain ports and eſta bliſhing certain ſtations for ſignals, as recommended in the ſame Report."

Mr. *Roſe* answered, this was not a proper time to move ſuch recommitment, unleſs for the purpoſe of diminifhing the amount of the ſum now reported. ^{Mr. Roſe.}

Mr. *Sloper* and Lord *Maitland* inſiſted that the honourable Baronet was founded in his motion to recommit the Report.

The *Speaker* alledged, that the Houſe was aſked from the Crown for the value of the Ordnance eſtimates; that it was ^{the Speaker.} the right of Parliament either to reject *in toto*, or to diminifh the ſum applied for by Government. But that upon a Report of money granted, as in the preſent caſe, nothing but an intention of reſuſing or diminifhing the ſum already granted (which he did not apprehend, and which indeed he ſaw by the motion which had been ſtated to be no part of the honourable Baronet's intention) could juſtify the preſent recommitment of the Report.

The Houſe adjourned.

Wednesday, 8th March.

No exceedingly material business took place, unless we except the choice, by ballot, of a Committee, to whom the several accounts and papers, relative to the public income and expenditure, are referred, who are to examine and state the same, and to report to the House what may be expected to be the annual amount of the said income and expenditure in future.

The following are the names of the gentlemen chosen :

Marquis of Graham,	
Right Hon. W. W. Grenville,	
Hon. E. J. Eliot,	
H. Addington,	} Esquires.
H. Beaufoy,	
J. Call,	
G. Rose,	
J. Smyth,	
W. Wilberforce,	

The House adjourned.

Thursday, 9th March.

In compliance with the request of Mr. Burke, who was on this day absent,

Mr. Francis.

Mr. Francis moved, " That a certain selection of the papers which had been laid upon the table, in consequence of the motion of his right honourable friend, for the purpose of grounding a charge against Mr. Hastings," might be printed. He begged leave to inform the House, that his right honourable friend considered these papers as more particularly necessary to the support of the projection; yet at the same time he felt it proper to remind them, that it did not follow that because these were so earnestly desired, no intention was entertained of making use of any of the rest: on the contrary, that it was his right honourable friend's intention to avail himself of the whole of the evidence to be derived from all the papers, as well of those which were not as of those which were to be printed.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt argued in favour of the propriety of printing all the papers, persuaded that it would take up more time for the House to make the selection than the printing of the whole; yet upon reflection he must allow that the motion made by the honourable gentleman might be suffered to pass without farther inquiry; but, at the same time, he would beg leave to advise some friend of Mr. Hastings to move for the printing of such part of the papers as he might deem immediately requisite for his exculpation.

Major

Major *Scott* observed that the honourable gentleman who made the motion, had himself been so candid as to suggest to him the very same advice as that just given by the Chancellor of the Exchequer; which he should certainly follow, and for that purpose look over the papers, in order that he might make his motion; as he wished that the papers which he meant to have printed might follow those moved by the honourable gentleman, as immediately as possible, lest the Public, reading some papers which might appear to have a tendency to criminate him, and not enjoying the opportunity of perusing those which were expressly calculated for his vindication, might receive impressions destructive of those favourable ideas which (he would venture to assert) ought to be entertained of his administration in the East Indies.

The motion of Mr. Francis passed.

Mr. *Marshall* now moved for leave to bring in a bill for extending the provisions of an act introduced into that House by his honourable friend (Mr. Crew) for securing the freedom of elections, by depriving persons employed in certain offices, as the customs, excise, post and stamp office, of the right of voting, to the civil branches of the navy and ordnance offices. He understood that some people imagined he had intended to include the officers of the army and navy in his bill, but no such idea had ever entered his mind, nor, he supposed, that of any other member of the House. So much benefit had resulted from the former bill, and that which he proposed to bring in, was so exactly similar to it in principle, that he thought there was no sort of necessity for him to say any thing in support of his motion.

He then moved, "For leave to bring in a bill for securing the freedom of election, by excluding persons holding places in the navy and ordnance offices from voting as electors."

Mr. *Honeywood* observed that many of his constituents, seeing and feeling the good consequences of Mr. Crew's act, which were particularly conspicuous in his part of the country, had expressed a wish for its extension in the manner proposed by his honourable friend, for which reason, as well as from his own conviction of its propriety, he would second the motion.

The motion was put and carried.

Friday, 10th March.

Mr. Chancellor *Pitt* observed, that, as at least an inaccuracy of expression had crept into one of the clauses of the militia bill, he should first correct it, and then beg leave to trouble the House with his sentiments upon the subject.

Endeavoura

Endeavours had been used, (but, upon what justifiable grounds he believed it would prove more than difficult to discover) to represent him as hostile to the institution of the militia, because, when an honourable gentleman had applied to him for his opinion relative to one part of its regulation, he had declined at the moment to give an answer, wishing to suspend his judgement, until he could enjoy the advantage of hearing the arguments of those gentlemen who, from their being personally interested in the service, were most competent to the decision. The injustice of such a misrepresentation of his principles was so glaring, as scarcely to require an answer; for he had not given the smallest opportunity to any gentleman to say that he had expressed a doubt of the benefits and valuable tendency of the militia itself; he had only hesitated to consider whether, by a material saving to the public, the militia could be made equally beneficial to what it had been on its former establishment, with a view as much as possible to reconcile that great constitutional defence of the kingdom, which no man could value higher than he did, though he was certain every man in that House must prize it most highly) to the principles and practice of œconomy. He had made every inquiry in his power upon the subject from gentlemen much better qualified than himself, how to accomplish so desirable an object, and he found that it was the general opinion that the militia ought to be called out every year. Still, notwithstanding their being annually embodied, a considerable saving might be effected without any danger (as he apprehended and had been advised) to the service. Yet, if it appeared to gentlemen, many of whom were more capable of considering it in a military point of view than he was, that the mode which he should suggest would prove a means of rendering the militia less effective as a national defence, he would cheerfully give up his opinion; for, however anxious he was on all occasions to spare the public purse, yet he could never consent to starve so valuable and so necessary a part of the public service. It was always usual to keep the several regular regiments considerably under their establishment; in time of peace, because by so doing the army might become increased, in time of war, without adding to the number of the regiments, by filling them up to their full complement of men, which was certainly the most economical management that could be adopted, consistent with prudence and good policy, as it was more easy to make soldiers than commissioned, and more especially non-commissioned officers. And, in consequence of this mode being adopted, the regular regiments in time of peace never had above two thirds of their estab-
lishment

blishment complete. He proposed that the same principle should be applied to the militia; that the whole number of men should be balloted for and enrolled, but that only two-thirds of them should be employed. Those that were to be so, being appointed for the actual duty, and to continue so during the whole period of their service, by which means, one-third of the expence of their pay would be saved, deducting only so much as would necessarily go to defray the expence of the annual muster, which would not amount, however, to above one thousand pounds. There would, besides, be a farther saving of one-third in the article of clothing, which two savings would amount to about forty thousand pounds; a sum of too great consequence to be thought lightly of. Still he was liable to alter his opinion, should he find against him the general sense of the gentlemen, who had made the business their particular study. And if the exempting one-third of the privates from the annual exercise, should be thought by them likely to render the militia less serviceable than it otherwise would be, he should most willingly resign his opinion, and regret, that for the present he could only accomplish one of those two most desirable objects, the saving of the public treasure, and the promoting the best constitutional defence of the kingdom, —the militia.

Mr. Rolle thought the annual embodying of them was a Mr. Rolle. prejudice to the morals of the people, as it gave them habits of debauchery and idleness, and they were dissatisfied when they returned to their wives and families, and consequently became much worse members of society.

Colonel Orchard contended that the militia did not injure Colonel Orchard. the morals of the people, and said, that it appeared the more extraordinary, as his honourable friend had once consented to take a command in the service himself.

Mr. Rolle begged leave to correct the error into which his Mr. Rolle. honourable friend had fallen. He had indeed offered, when the enemy was expected on the coast of Devonshire, to go down and raise five hundred men, but upon his honour, he had never offered to go into the militia.

Colonel Orchard replied, that, upon his honour, he thought Colonel Orchard. he had made such an offer.

Mr. Young spoke in favour of annually embodying the militia, that gentlemen might know their neighbours, and be able to inform themselves of their characters, as to who were poachers, drunkards or quarrellsome, and also for the purpose of rendering the corps more serviceable. Mr. Young.

Sir Edward Ashley observed that the institution, considered Sir Edward Ashley. in a general point of view, merited not merely the approbation, but the warm encouragement of the state; yet he feared that,

that, in some respects, the present regulations of the militia were far from unexceptionable; and he was well convinced that it should be rendered as welcome as possible to the People. He thought twenty-eight days too short a period of time for the militia to be trained and exercised with any effect. He would, therefore, mention a proposal which appeared to him more likely to prove generally useful, and that was: that instead of five, the militia should be ballotted for four years only, and that they should be trained and exercised for two months together in every second year. Sir Edward observed, that when he rose to speak as a member of Parliament upon the subject of the militia, or any other topic, he considered himself as entitled to deliver his free sentiments, and that he was dealt unfairly by, if, because he disagreed from any proposition suggested as a regulation of the militia, he was deemed an enemy to the institution. At all periods, had he been ready sincerely to espouse the cause of the militia; nor did he think it the least honourable part of his life when he enjoyed the happiness of serving under an establishment so well adapted to the internal defence of the kingdom.

Captain
Berkeley.

Captain *Berkeley* apologized for troubling the House on a question so remote from the line of his service; but he only rose to say, that a relation of his (his brother, earl *Berkeley*) whom no person could pretend to think the worst officer in the service, had been consulted on the subject, and had entirely coincided in opinion with the Chancellor of the Exchequer.

Mr. Drake.

Mr. *Drake* having acknowledged himself most zealously anxious for the prosperity of the militia, as the natural and constitutional defence of the country, added, that he considered the gentlemen who had dedicated their time without doors to modifying and digesting the bill, as delegates from the meeting which so laudably turned their attention to an object of great national importance, and therefore he should bow to their authority. The gentlemen of that description had signified their approbation of the proposal of the right honourable gentleman who so excellently managed the finances of the kingdom, and their sanction was a sufficient reason for him to vote for it. As to the objection started by an honourable gentleman, that calling out the militia was injurious to the morals of the men, he must beg leave to answer, that he had not studied the distinction between civil and military morals; if he had, the consideration would, probably, have given birth to some florid ideas; but perhaps it was as well that he had not. To reconcile public service with public œconomy was the great end of every good government; and, with this idea, he gave the right honourable gentleman at the head of the Exchequer full credit for the mid-

the line of conduct which he had pointed out between expense and utility.

Sir *John Miller* remarked, that he felt it impossible to mention the institution of the militia, without the fullest expressions of applause. He admired it; he acknowledged its utility, and hoped the country would never be deprived of so constitutional a defence. With regard to the present bill, he relied chiefly on the abilities and experience of those who had prepared it, and from confidence in their judgement and zeal he would give it his support. The sword, he added, to which alone all human ordinances must submit, should in a free country be placed only in the hands of those, who had property as well as liberty to preserve and defend. With regard to Great Britain, the root of her power, offensive and defensive, lay almost exclusively in her navy and her militia; they were both therefore great national objects, and ought to be cherished and encouraged by that House. He traced the origin of the militia from the reign of Alfred, to the present period. That great and wise prince, by the aid of his militia, defeated a powerful invasion headed by Hastings, a warlike Dane. Henry the Second, to guard against external insult, and to provide for internal security, fixed an assize of arms, in conformity to which every subject was to be armed and disciplined. The militia of England in the time of queen Elizabeth, amounted to 140,000 fighting men, besides what Wales could supply, all of the inhabitants in which quarter were ready to receive and properly to entertain the contents of the Spanish Armada. In the reign of James the First, the militia of England consisted of 160,000 fighting men, all well armed and well disciplined. The civil war between Charles the First and the Parliament, diffused the ancient military spirit through the whole body of the People; and it was notorious, that the British name and British glory were never more revered than under Cromwell. Charles the Second imported, at the restoration, vice, profligacy, and debauchery. The military spirit of the nation was then lost. He distrusted the militia. Brought up in arbitrary principles, he suffered the institution gradually to decay, and substituted guards and garrisons, consisting at first of 5000, and afterwards of 8000 men, in their room. James the Second disarmed the militia, and substituted an army of 30,000 men, declaring to his Parliament that he had found the militia useless and unserviceable by experience, and insisting upon supplies to support his increased military establishment. The subsequent reigns of William and Anne were distinguished only by wars abroad and factions at home. Many attempts were afterwards made to revive a national militia, but in vain, till that great and ever to be revered Minister laid the

so long-wished-for foundation, upon which we were, he trusted, with the aid of his successor in name, virtues, talents, and situation, to raise a proper superstructure. He felt shame and mortification at our being occasionally obliged to import foreign mercenaries to defend our commerce and constitution, our liberties, our properties, and our capital! When the opportunity should offer, for his stating his sentiments respecting the lately-exploded system of fortification, he would explain himself fully on that subject. With regard to the present bill, he hoped the House would go literally into the completion of it, and give those who had brought it forward full praise and ample aid, so as to render the militia an honourable, an useful, and (as far as might be consistent with their efficiency) an economical safeguard to the country. The proposition of the right honourable gentleman (Mr. Pitt) for annually calling out two thirds of the militia, deserved, and should receive his best encouragement, and every support in his power.

The Chancellor of the Exchequer's proposition was received, and the House adjourned.

Monday, 13th March.

Mr. Francis Mr. Francis stated to the House, that, as certain measures of very great public importance were now in agitation, he thought that such measures ought not to be decided, until they had endeavoured to collect, in a constitutional way, the general sense of the nation concerning them; namely, by calling the representatives of the People together: that the impeachment of Mr. Hastings was an object of great public interest and concern. That the measure which it was said the Chancellor of the Exchequer had in view, for applying the existing surplusses of revenue to the discharge of debt, was a subject of equal novelty and importance, and particularly called for the attention of a full House of Commons: but above all, he thought, that, as Mr. Dundas had given notice of his intention to revise and correct the India bill of 1784, there ought to be a call of the House for the special purpose of re-considering that bill. That it had not been sufficiently attended to in the first instance, having been generally debated and carried in very thin houses; that if the principles of this law, upon a more deliberate review of it, should be confirmed, they would take root in the Constitution and might never be eradicated. The question concerned the public liberty, and ought not to be decided without a full representation of the People.

He therefore moved, "That the House might be called over on Monday the 27th of March."

Mr. Fox seconded the motion.

Mr.

Mr. Chancellor Pitt remarked, that he could not avoid taking the liberty to observe, that the honourable gentleman who made the motion, seemed to have deviated in some measure from his consistency. When he moved himself for a repeal of the India bill, he had not considered a call of the House necessary; but now, when this act was only agreeable to the ratification given to be explained and amended, he conceived a call of the House to be most indispensably requisite. He could not easily account for this versatility in the conduct of the honourable gentleman: the matter to which a right honourable gentleman (Mr. Burke) had directed the attention of the House, seemed to him to be of great importance, and to, justify, in some respects, the motion under contemplation. If he should have matters in such forwardness as to be able to submit them to the discussion of the House about the time intended for the call, he would not oppose the motion; and he would reserve the right to himself, of bringing forward in the interim, any matter of finance, as a public concern, notwithstanding his concurrence in the motion for the call.

Major Scott declared, that he had only four papers to ask for relative to Mr. Hastings, which he was convinced would occasion no delay. He hoped that some assurance would be given him by the right honourable gentleman (Mr. Burke) of his bringing forward his impeachment near the time of the proposed call of the House.

Mr. Burke declared, that the going through a period of thirteen years, collecting the facts relative to the subject during that time, and arranging them in the form of a charge, was no matter of easy accomplishment. He had therefore undoubtedly a right to do this with caution, and agreeable to his own convenience.

Mr. Chancellor Pitt wished that he should fix a period for his bringing forward this business as nearly as possible.

Mr. Burke said, that the period he would fix for this business was that day three weeks: then he would move the House to resolve itself into a Committee on the charges against Mr. Hastings, and submit what he had collected from verbal testimony on the subject. The names of the witnesses to be adduced on the trial, he would state in the House upon the morrow.

Mr. Chancellor Pitt conceiving this a sufficient reason for delaying a call of the House, proposed an amendment, that instead of "this day fortnight," the words "to-morrow three weeks" be inserted.

Mr. Fox contended, that this afforded no argument for setting aside the original motion, as it was pushed for other reasons than the impeachment of Mr. Hastings.

Mr. Francis persisted in his former opinion.
The question was put and carried.

Mr. Fox. Mr. Fox declaring himself dissatisfied decision on the preceding Monday relative to the production of papers, containing the correspondence between Mr. Hastings and Major Brown, then at Delhi, gave notice, that he would bring forward this business again on the ensuing Friday.

A motion having been made, that the Speaker do leave the chair, for the purpose of resolving the House into a Committee on the militia bill:

Mr. Rolfe. Mr. Rolfe having expressed his wishes, that time might be given, added, that he had been informed by his constituents, that there were clauses in it objectionable: he hoped therefore for the present, the blanks only would be filled up in the Committee, and that the report would not be made, as adopted by the House, with precipitation.

The motion was then put, and the Speaker left the chair: the blanks were filled up, and the House adjourned.

Tuesday and Wednesday, 14th and 15th March.

On account of the want of attending members no business took place.

Thursday, 16th March.

At bringing up the report of the Committee on the mutiny bill, respecting the new clause for subjecting the officers by brevet, receiving no pay, who should be in command, to be tried by a court martial:

Col. Fitzpatrick. Colonel Fitzpatrick desired to know upon what principle of necessity or propriety so very extraordinary a clause was founded?

The Secretary at War. The Secretary at War explained, that it was possible for an officer by brevet, who had no pay, to be in command, and that it had been thought right, that officers so circumstanced should be liable to be tried by a court martial for their conduct while in command.

Col. Fitzpatrick. Colonel Fitzpatrick declared, that unless some case could be stated to the House of the kind in question, he should think it scarcely possible for such a case to happen, and therefore he saw no use in introducing such a novelty into the mutiny bill.

The Secretary at War. The Secretary at War begged leave to remind the House, that he had given notice that there would be some new clauses introduced into the bill, and had particularly called the attention of the Committee to the clauses when he had proposed them. With regard to the possibility of such a case occurring, as that of a brevet officer happening to be in command

be hinted that such a case had occurred, and it had been held, that the officer was not amenable to, nor could be tried by, a court martial.

General *Burgoyne* supported the objection, on the ground that it was introducing a new and dangerous principle into the mutiny act; that of subjecting persons who were not paid by the Legislature, and consequently were not under the control of that House, to martial law. He contended, that the idea of making any man liable to martial law was founded altogether on the circumstance of his receiving pay, voted by the House of Commons; and that the new clause led to consequences extremely alarming, as it would countenance the keeping up an armed force in the country, that was neither paid by the Legislature, nor subject to legislative control.

Mr. Chancellor *Pitt* defended the clause as highly necessary to clear up a matter of a doubtful nature. He stated the recent case of General *Ross*, and mentioned, that upon the last reference to three of the judges, whether any officer by brevet, and in command, was liable to a court martial; one judge gave it as his opinion that he was; another gave it as his opinion that he was not; and a third declared himself doubtful whether he was or not.

Ayes	-	-	-	-	-	-	-	-	-	79
Noes	-	-	-	-	-	-	-	-	-	17

Majority - - 62

Mr. *Dundas* remarked, that as his new bill had lately received, in a considerable degree, the investigating notice of the whole House, he should not presume to trespass too much upon their patience by arguing diffusely concerning its nature and its principles. He should imagine, that either at the time of the second reading of the bill, or of its coming to the Committee, gentlemen might, with the greater propriety, make their objections; objections to which he should endeavour, as satisfactorily as possible to answer. At present, he would just state the heads of the principal alterations which he proposed to make in the present bill.— These were, first, in regard to election of persons to serve in council. As the bill of 1784 stood, it confined it to the servants of the Company in India; but he meant that it should comprehend also the servants at home as well as those in India. Another alteration was, an addition to the principle of the bill; for, instead of leaving every thing to be decided by the voice of the majority of the council at Calcutta, he meant to give the Governor General more power than he at present possessed, and to let him decide upon every measure whether his council agreed with him or not.

A third

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warn the right honourable and learned gentleman in time, that he ought to bring all the parts of his bill forward together, and not to imitate the conduct of his right honourable friend, (the Chancellor of the Exchequer) whose India bill, when first introduced, proved so imperfect and so improper, that it was obliged to be completely altered in all its parts in the Committee, and four and twenty new clauses were inserted. What the right honourable and learned gentleman called "an addition to the principle of Mr. Pitt's bill of 1784," was, on the contrary, a direct reversal of its principle, and the substitution of a new principle as to the particular point in question; for, by the bill of 1784, every thing in Council in India was to be carried by the majority of voices, whereas in the new bill every thing was to depend solely on the single opinion of the Governor General. And here he must desire to bring back to the remembrance of the House, that, on the first day of the session, they had been told by a right honourable gentleman, (the Chancellor of the Exchequer) that the reason why no notice of India had been taken in the speech from the Throne was, because the government of India had been established on a solid and permanent footing. Surely the information just given to the House, and the motion now under their discussion, appeared to operate like absolute contradictions against the existence of establishments of solidity and permanency!

The question was put and carried.

Mr. Francis.

Mr. Francis contended that his motion was of such a nature, that he scarcely thought it possible for any gentleman to object to it, since the doctrine which it tended to establish had been, at different times, professed by all of them, and recommended to their care and attention by the first authority in the kingdom — by His Majesty in his speech from the throne. It was an instruction to the gentlemen appointed to prepare the bill just moved for and ordered, highly necessary to be attended to, and would serve as a test of the principles of every gentleman in that House, and prove whether he was a friend to the Constitution or not. Mr. Francis now moved, "That it be an instruction to the gentlemen appointed to prepare and bring in a bill to explain and amend an act passed in the twenty-fourth year of His Majesty's reign, entitled, 'An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies,' that, in preparing the same, they do never lose sight of the effect which any measure to be adopted for the good government of our possessions in India may

" have

" have on our own Constitution, and our dearest interests at home; and particularly, that, in amending the said act, they do take care that no part thereof shall be confirmed or re-enacted, by which the unalienable birthright of every British subject to a trial by jury, as declared in Magna Charta *, shall be taken away or impaired."

Mr. Sheridan seconded the motion.

The House immediately divided —

Ayes	- - - - -	16
Noes	- - - - -	85

Majority - - 69

When the order of the day, for bringing up the Shop-tax Committee report, was read,

Mr. Fox observed, that he should give the House less trouble upon the subject than he expected to have done when he gave notice on the preceding Monday of his intentions to offer his thoughts to them in regard to the modifications of the shop tax proposed by the right honourable gentleman (the Chancellor of the Exchequer.) Since Monday a large meeting of the most respectable shopkeepers in London, Westminster, and Southwark, had taken place, at which several resolutions were agreed to; and he had since been in-

* The trial by jury, or the country, *per patriam*, is also that trial by the Peers of every Englishman, which, as the grand bulwark of his liberties, is secured to him by the great charter, "*nullus liber homo capiatur, vel imprisonetur, aut exulet, aut aliquo alio modo destruatur, nisi per legale iudicium parium suorum, vel per legem terræ.*"

The founders of the English laws have, with excellent forecast, contrived, that the truth of every accusation, whether preferred in the shape of indictment, information, or appeal, should afterwards be confirmed by the unanimous suffrage of twelve of his equals, and neighbours, indifferently chosen, and superior to all suspicion; so that the liberties of England cannot but subsist so long as this *PALLADIUM* remains sacred and inviolate, not only from all open attacks, (which none will be so hardy as to make) but also from all secret machinations which may sap and undermine it, by introducing new and arbitrary methods of trial by justices of the peace, commissioners of the revenue, and courts of conscience: and however convenient these may appear, (as doubtless all arbitrary powers, well executed, are the most convenient) yet let it be again remembered, that delays and little inconveniences in the forms of justice are the price that all free nations must pay for their liberty in more substantial matters; that these inroads upon THIS SACRED BULWARK OF THE NATION are fundamentally opposite to the spirit of our Constitution; and that, though begun in trifles, the precedent may gradually increase and spread, to the utter disuse of juries in questions of the most momentous concern.

BLACKSTONE.

that, in some respects, the present regulations of the militia were far from unexceptionable; and he was well convinced that it should be rendered as welcome as possible to the People. He thought twenty-eight days too short a period of time for the militia to be trained and exercised with any effect. He would, therefore, mention a proposal which appeared to him more likely to prove generally useful, and that was: that instead of five, the militia should be ballotted for four years only, and that they should be trained and exercised for two months together in every second year. Sir Edward observed, that when he rose to speak as a member of Parliament upon the subject of the militia, or any other topic, he considered himself as entitled to deliver his free sentiments, and that he was dealt unfairly by, if, because he disagreed from any proposition suggested as a regulation of the militia, he was deemed an enemy to the institution. At all periods, had he been ready sincerely to espouse the cause of the militia; nor did he think it the least honourable part of his life when he enjoyed the happiness of serving under an establishment so well adapted to the internal defence of the kingdom.

Captain
Berkeley.

Captain *Berkeley* apologized for troubling the House on a question so remote from the line of his service; but he only rose to say, that a relation of his (his brother, earl *Berkeley*) whom no person could pretend to think the worst officer in the service, had been consulted on the subject, and had entirely coincided in opinion with the Chancellor of the Exchequer.

Mr. Drake.

Mr. *Drake* having acknowledged himself most zealously anxious for the prosperity of the militia, as the natural and constitutional defence of the country, added, that he considered the gentlemen who had dedicated their time without doors to modifying and digesting the bill, as delegates from the meeting which so laudably turned their attention to an object of great national importance, and therefore he should bow to their authority. The gentlemen of that description had signified their approbation of the proposal of the right honourable gentleman who so excellently managed the finances of the kingdom, and their sanction was a sufficient reason for him to vote for it. As to the objection started by an honourable gentleman, that calling out the militia was injurious to the morals of the men, he must beg leave to answer, that he had not studied the distinction between civil and military morals; if he had, the consideration would, probably, have given birth to some florid ideas; but perhaps it was as well that he had not. To reconcile public service with public œconomy was the great end of every good government; and, with this idea, he gave the right honourable gentleman at the head of the Exchequer full credit for the mid-

die line of conduct which he had pointed out between expence and utility.

Sir *John Miller* remarked, that he felt it impossible to mention the institution of the militia, without the fullest expressions of applause. He admired it: he acknowledged its utility, and hoped the country would never be deprived of so constitutional a defence. With regard to the present bill, he relied chiefly on the abilities and experience of those who had prepared it, and from confidence in their judgement and zeal he would give it his support. The sword, he added, to which alone all human ordinances must submit, should in a free country be placed only in the hands of those, who had property as well as liberty to preserve and defend. With regard to Great Britain, the root of her power, offensive and defensive, lay almost exclusively in her navy and her militia; they were both therefore great national objects, and ought to be cherished and encouraged by that House. He traced the origin of the militia from the reign of Alfred, to the present period. That great and wise prince, by the aid of his militia, defeated a powerful invasion headed by Hastings, a warlike Dane. Henry the Second, to guard against external insult, and to provide for internal security, fixed an assize of arms, in conformity to which every subject was to be armed and disciplined. The militia of England in the time of queen Elizabeth, amounted to 140,000 fighting men, besides what Wales could supply, all of the inhabitants in which quarter were ready to receive and properly to entertain the contents of the Spanish Armada. In the reign of James the First, the militia of England consisted of 160,000 fighting men, all well armed and well disciplined. The civil war between Charles the First and the Parliament, diffused the ancient military spirit through the whole body of the People; and it was notorious, that the British name and British glory were never more revered than under Cromwell. Charles the Second imported, at the restoration, vice, profligacy, and debauchery. The military spirit of the nation was then lost. He distrusted the militia. Brought up in arbitrary principles, he suffered the institution gradually to decay, and substituted guards and garrisons, consisting at first of 5000, and afterwards of 8000 men, in their room. James the Second disarmed the militia, and substituted an army of 30,000 men, declaring to his Parliament that he had found the militia useless and unserviceable by experience, and insisting upon supplies to support his increased military establishment. The subsequent reigns of William and Anne were distinguished only by wars abroad and factions at home. Many attempts were afterwards made to revive a national militia, but in vain, till that great and ever to be revered Minister said the

so long-wished-for foundation, upon which we were, he trusted, with the aid of his successor in name, virtues, talents, and situation, to raise a proper superstructure. He felt shame and mortification at our being occasionally obliged to import foreign mercenaries to defend our commerce and constitution, our liberties, our properties, and our capital! When the opportunity should offer, for his stating his sentiments respecting the lately-exploded system of fortification, he would explain himself fully on that subject. With regard to the present bill, he hoped the House would go literally into the completion of it, and give those who had brought it forward full praise and ample aid, so as to render the militia an honourable, an useful, and (as far as might be consistent with their efficiency) an economical safeguard to the country. The proposition of the right honourable gentleman (Mr. Pitt) for annually calling out two thirds of the militia, deserved, and should receive his best encouragement, and every support in his power.

The Chancellor of the Exchequer's proposition was received, and the House adjourned.

Monday, 13th March.

Mr. Francis

Mr. Francis stated to the House, that, as certain measures of very great public importance were now in agitation, he thought that such measures ought not to be decided, until they had endeavoured to collect, in a constitutional way, the general sense of the nation concerning them; namely, by calling the representatives of the People together: that the impeachment of Mr. Hastings was an object of great public interest and concern. That the measure which it was said the Chancellor of the Exchequer had in view, for applying the existing surplusses of revenue to the discharge of debt, was a subject of equal novelty and importance, and particularly called for the attention of a full House of Commons: but above all, he thought, that, as Mr. Dundas had given notice of his intention to revise and correct the India bill of 1784, there ought to be a call of the House for the special purpose of re-considering that bill. That it had not been sufficiently attended to in the first instance, having been generally debated and carried in very thin houses; that if the principles of this law, upon a more deliberate review of it, should be confirmed, they would take root in the Constitution and might never be eradicated. The question concerned the public liberty, and ought not to be decided without a full representation of the People.

He therefore moved, "That the House might be called over on Monday the 27th of March."

Mr. Fox seconded the motion.

Mr.

Mr. Chancellor *Pitt* remarked, that he could not avoid taking the liberty to observe, that the honourable gentleman who made the motion, seemed to have deviated in some measure from his consistency. When he moved himself for a repeal of the India bill, he had not considered a call of the House necessary; but now, when this act was only agreeable to the ratification given to be explained and amended, he conceived a call of the House to be most indispensably requisite. He could not easily account for this versatility in the conduct of the honourable gentleman: the matter to which a right honourable gentleman (Mr. Burke) had directed the attention of the House, seemed to him to be of great importance, and to justify, in some respects, the motion under contemplation. If he should have matters in such forwardness as to be able to submit them to the discussion of the House about the time intended for the call, he would not oppose the motion; and he would reserve the right to himself, of bringing forward in the interim, any matter of finance, as a public concern, notwithstanding his concurrence in the motion for the call.

Major *Scott* declared, that he had only four papers to ask for relative to Mr. Hastings, which he was convinced would occasion no delay. He hoped that some assurance would be given him by the right honourable gentleman (Mr. Burke) of his bringing forward his impeachment near the time of the proposed call of the House.

Mr. *Burke* declared, that the going through a period of thirteen years, collecting the facts relative to the subject during that time, and arranging them in the form of a charge, was no matter of easy accomplishment. He had therefore undoubtedly a right to do this with caution, and agreeable to his own convenience.

Mr. Chancellor *Pitt* wished that he should fix a period for his bringing forward this business as nearly as possible.

Mr. *Burke* said, that the period he would fix for this business was that day three weeks: then he would move the House to resolve itself into a Committee on the charges against Mr. Hastings, and submit what he had collected from verbal testimony on the subject. The names of the witnesses to be adduced on the trial, he would state in the House upon the morrow.

Mr. Chancellor *Pitt* conceiving this a sufficient reason for delaying a call of the House, proposed an amendment, that instead of "this day fortnight," the words "to-morrow three weeks" be inserted.

Mr. *Fox* contended, that this afforded no argument for setting aside the original motion, as it was pushed for other reasons than the impeachment of Mr. Hastings.

Mr. Francis persisted in his former opinion.

The question was put and carried.

Mr. Fox. Mr. Fox declaring himself dissatisfied with the decision on the preceding Monday relative to the production of papers, containing the correspondence between Mr. Hastings and Major Brown, then at Delhi, gave notice, that he would bring forward this business again on the ensuing Friday.

A motion having been made, that the Speaker do leave the chair, for the purpose of resolving the House into a Committee on the militia bill:

Mr. Rolle. Mr. Rolle having expressed his wishes, that time might be given, added, that he had been informed by his constituents, that there were clauses in it objectionable: he hoped therefore for the present, the blanks only would be filled up in the Committee, and that the report would not be made, as adopted by the House, with precipitation.

The motion was then put, and the Speaker left the chair: the blanks were filled up, and the House adjourned.

Tuesday and Wednesday, 14th and 15th March.

On account of the want of attending members no business took place.

Thursday, 16th March.

At bringing up the report of the Committee on the mutiny bill, respecting the new clause for subjecting the officers by brevet, receiving no pay, who should be in command, to be tried by a court martial:

Col. Fitzpatrick. Colonel Fitzpatrick desired to know upon what principle of necessity or propriety so very extraordinary a clause was founded?

The Secretary at War. The Secretary at War explained, that it was possible for an officer by brevet, who had no pay, to be in command, and that it had been thought right, that officers so circumstanced should be liable to be tried by a court martial for their conduct while in command.

Col. Fitzpatrick. Colonel Fitzpatrick declared, that unless some case could be stated to the House of the kind in question, he should think it scarcely possible for such a case to happen, and therefore he saw no use in introducing such a novelty into the mutiny bill.

The Secretary at War. The Secretary at War begged leave to remind the House, that he had given notice that there would be some new clauses introduced into the bill, and had particularly called the attention of the Committee to the clauses when he had proposed them. With regard to the possibility of such a case occurring, as that of a brevet officer happening to be in command,

be hinted that such a case had occurred, and it had been held, that the officer was not amenable to, nor could be tried by, a court martial.

General *Burgoyne* supported the objection, on the ground that it was introducing a new and dangerous principle into the mutiny act; that of subjecting persons who were not paid by the Legislature, and consequently were not under the control of that House, to martial law. He contended, that the idea of making any man liable to martial law was founded altogether on the circumstance of his receiving pay, voted by the House of Commons; and that the new clause led to consequences extremely alarming, as it would countenance the keeping up an armed force in the country, that was neither paid by the Legislature, nor subject to legislative control.

Mr. Chancellor *Pitt* defended the clause as highly necessary to clear up a matter of a doubtful nature. He stated the recent case of General *Ross*, and mentioned, that upon the last reference to three of the judges, whether any officer by brevet, and in command, was liable to a court martial; one judge gave it as his opinion that he was; another gave it as his opinion that he was not; and a third declared himself doubtful whether he was or not.

Ayes	- - - - -	79
Noes	- - - - -	17

Majority - - 62

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he considered, that as yet, all the papers granted, were of a nature calculated to support the charges against Mr. Hastings, and that those now moved for were such, as would place in a most conspicuous point of view, the most meritorious and brilliant part of his administration, he could not help, from motives of compassion and justice, lamenting, that in compliance with his duty, he must object to their production. The right honourable gentleman had attempted to shew, that on the same principles as those on which the present motion was objected to, any delinquent servant of the Public might be screened from punishment and the censure of that House by the bare *ipse dixit* of the Minister, "That the documents necessary to the proof of his guilt could not be produced with safety;" but when circumstances such as he had mentioned, as well of the innocence, nay the merit, of the transaction imputed as criminal, as of the extreme delicacy of the papers demanded were urged, could it possibly be said, that the question rested upon the *ipse dixit* of the Minister? Or could a precedent be established under such circumstances as the present which could ever apply to cases wherein those or similar circumstances did not exist? Where, on the contrary, they occurred, he trusted that all precedents would prove unnecessary, and that the House, guided by the plain rules of common sense and political expedience, would never meet such applications with their unmerited concurrence.

Mr. Sheridan.

Mr. Sheridan remarked, that in spite of the extensive talents and brilliant eloquence of the right honourable gentleman who spoke last, his observations were much too barren of solid argument to constitute a refutation of the reasoning of his right honourable friend (Mr. Fox) who had unanswerably contended for the production of the papers, upon the proof, which he as irrefragably established, that they contained the clearest and most incontrovertible evidence, of a negotiation for an offensive alliance entered into by Mr. Hastings with the country powers; nor had his right honourable friend maintained by less unquestionable allegations, that were these wonderfully secret papers divulged, no danger whatsoever could accrue to the State from their publicity. For his own part he must confess, that were he to place an approving confidence in the measures of an Administration, and any honourable member should move a question for papers affecting the executive government of the country, and His Majesty's Ministers who were to be responsible, should stand up and declare, that the granting the papers would prove dangerous to the State, he would desist from pressing such a motion. But was this the case now? No; the right honourable gentleman, as His Majesty's Minister, was not responsible for the administration of the executive government.

of India; that government was not the government of His Majesty, whose name and authority had no connection with it; it was merely the government of a trading Company, conducted by their servants, and therefore all ideas of confidence in the King's Ministers were out of the question. What was the Board of Control? Nothing more than another Board of Directors, of a superior order indeed; and nominated by His Majesty in the first instance. But it was rather curious, that the right honourable and learned gentleman should be one of the persons (and perhaps the principal, in talking of India secrets, and refusing necessary papers on that ground) when he himself had formed his own motions for papers in 1781 and 1782, in the broadest and most general words; calling for all the papers relating to the revenue, all the papers relating to the civil government, and so on: at that time, and it was a time of war, nobody dreamt of a secret respecting India. How happened it then, that when the conduct of Lord Clive was under inquiry, when every other India inquiry was going on, that from the earliest periods it had never been discovered, that there might be a state secret in India till the year 1786. It was downright nonsense to talk with a grave face about secrecy and the dangerous tendency of letting the papers moved for be seen, when it was well known not only what were their contents, but every transaction to which they alluded.

In order more fully to convince the House that the papers would establish a most extraordinary series of duplicity in the conduct of Mr. Hastings, respecting the negotiation with the Mogul, Mr. Sheridan went into a detailed investigation of every minute circumstance of the transactions of Major Browne, from the time of his leaving Calcutta, in October, 1783, to the arrival of Mr. Hastings at Lucknow, with all the relative facts of the flight of the son of the Mogul; of that Prince's reception by Mr. Hastings and the Nabob of Oude; the seizure of the old Minister of the Mogul by the Vizier Aphrazeed Cawn, and the putting the Mogul into the hands of Madagee Scindia; reasoning upon each particular as he proceeded, and deducing such inferences as he conceived the premises clearly warranted: all these he contended, concurred in proving, that Mr. Hastings had acted in a manner so intricate and extraordinary, that though he by no means wished it to be understood as suggesting it either as a charge or an insinuation, that Mr. Hastings was conscious of being guilty, yet with the purest innocence on the part of that gentleman, the suspicion to which it gave rise (at least in his mind) was, that Mr. Hastings, from an idea, that the party he considered as his political enemies, were in power at home, might entertain a wish to provide himself a refuge at the

experience much difficulty in proving that these grounds of denial either did not apply, or were not sufficiently material to justify withholding the papers; and to establish his position he might venture to rest much of his reasoning on the letters of Major Brown to Mr. Hastings. It was manifest that a treaty of offensive alliance had been negotiated with the Mogul, which was directly contrary to the express resolution of that House. It was manifest, from Major Brown's letter, that Mr. Hastings had authorised that negotiation, and that, in Major Brown's opinion, good faith, morality, and justice, required that assistance should be afforded the Mogul, in compliance with the terms of that treaty. The emphatic words of Major Brown's letter were, "we have offered to treat; he has accepted: we have annexed conditions, he has approved of them." These words proved incontestably that the treaty commenced by voluntary offer on our part; and the subsequent words in which Major Brown in his letter proceeds to urge Mr. Hastings, for the sake of the good faith, morality, and justice of the British nation, to send troops to the assistance of the Mogul, to lay siege to certain districts of country, in order to drive out the inhabitants, and to give the lands to the troops for their subsistence, proved equally forcibly that the treaty was a treaty of offensive alliance. It was evident that the resolution of the House had been trampled on and contemned by Mr. Hastings in this instance; and it was more than matter of suspicion that the treaty was never intended to have been concluded when it was begun. When, during the former debate on the same subject, he was complaining that the resolution had been infringed by Mr. Hastings, who began to negotiate a treaty of offensive alliance; a right honourable gentleman (the Chancellor of the Exchequer) had thought proper to say across the house, "a treaty never completed;" and therefore he (Mr. Fox) must beg leave to know whether he was to understand from those words that it was taken as a merit that the Company's servants in India got into this dilemma; they had violated the resolutions of the House by commencing a treaty, which local or temporary policy might appear to make it expedient to commence; and then they had violated the national faith by deceiving the Mogul, and refusing to conclude the treaty so commenced; thus proving to the princes of Hindostan how little security was, on the one hand, afforded them by the code of laws held out to them in the resolutions of the British House of Commons, and how little safety was, on the other hand, to be acquired by entering into treaties of alliance with the British government in India. He felt himself thoroughly justified in contending that, in spite of any narrow principle which temporary distress or local circumstances might seem to call for, such

such as keeping the Mogul out of the hands of the French, or of Tippoo Sultan, it ill became a nation of great weight and character, like Great Britain, to depart from general systems, founded in wisdom and in justice, on any such petty considerations; that if such narrow policy were to justify a departure from a great parliamentary system, there was an end of the utility of laying down a code of laws, to be made the foundation of a government, of simplicity, of publicity, and of good faith. In fact, the whole of the negotiation had been secretly carried on by Mr. Browne, as the agent of Mr. Hastings. With respect to the ground of refusal of the papers, on the plea that their production would betray some secrets of negotiation, the divulging of which must disturb the tranquillity of the powers of Hindostan, and prove dangerous to the safety of the State, he must candidly confess that it was most difficult to meet it with any argument, the other side of the House having given him so little to lay hold of, and not having said enough to enable him to guess even at what the danger could possibly be which would arise, were the state secrets, which they so much dreaded to lay open, to become divulged. Situated, however, as he was in these respects, he could, without hesitation, declare, that no government secret of any kind could justify the withholding papers which were to enable the House to support and substantiate the resolutions to which they stood solemnly pledged. For what was it but to say to the princes in India, "we know our servants have committed delinquencies, and we are convinced that they have broken faith with you; but we must not inquire into their conduct, because that would betray state secrets, that would develop State mysteries, which must be kept sacred!" Would not every man in Indja laugh at so absurd a reason for refusing to do justice? Would it not plainly appear that the Board of Control, and that House, were following the exact steps of the old Boards of Directors? That they were laying down complete systems of ethics in their orders and resolutions, but refusing to take the only means possible to enforce their performance? The effect of such conduct was too manifest to need an illustration. Instead of reformation in India, it would encourage abuse, and increase delinquency; the Board of Control and the House of Commons would be answerable for having suffered the Company's servants, employed in the government of India, to believe themselves secure from inquiry, and safe from punishment. What was it but to put it in the power of a minister to interfere in every investigation, and, by his single *veto*, put a stop to the process, and defeat the aim of that House in the exercise of its first great constitutional character—that of the grand inquest of the nation? Armed with such a power, to what lengths might

might not a minister proceed? Every criminal, however notorious his delinquency, however numerous his crimes, however injurious to the national honour, would only have to secure the Minister's protection to be able to laugh at accusation, and set conviction at defiance! Much had been said by the ministerialists concerning secrets; but there could be no secret in question; nor could the papers called for possibly make any thing public which was not already well known in India. If it were asked why he, who was so strenuous for the publishing of every matter relative to India, and so urgent in contending that nothing respecting that country ought to remain a secret, did not hold the same argument with respect to the European powers, and in like manner maintain that nothing which regarded treaties and negotiations between the Court of Great Britain and any Court of Europe ought to be made a state secret in that House, by any of His Majesty's Ministers, he would answer that question by proposing another. Had that House ever expressly laid down rules of administration for the executive government with regard to European powers? Most certainly it had not; and that for very clear and obvious reasons. Why had it done otherwise with respect to the administration of the executive government of the British possessions in India? Because from the series of abuses, mismanagement, and delusion, which had crept into the conduct of the executive government in India, the British honour was tarnished, and the native princes no longer had confidence in British faith. Nothing, therefore, but the interference of Parliament could redeem the national credit, and restore it in the eyes of the country powers in Hindostan. Having so interfered, and having laid down the code of laws which could alone support a system of government adapted to the nature of the case, and likely to regain the confidence of the native princes—a system of government founded on simplicity, publicity, and good faith, would that House, on the mere pretence of a state secret, without the smallest information to prove that there was a real state secret in the way, with nothing more than a Minister's *ipse dixit* for it, shut their eyes to what every man who was not wilfully blind must see the necessity of—to their proceeding to substantiate their resolutions and fulfil their promises, to which they all stood so particularly pledged? Even yet, however, he should not relinquish his hopes that his right honourable and learned friend (Mr. Dundas) would rescue the House from the disgrace of having been persuaded by him to vote resolutions, which, if the papers were refused, it would be fair to say he never meant should be acted upon. Let the right honourable and learned gentleman recollect what had been done last year by the Board of Control respecting the debts of the Nabob

of Arcot. If he did not know the circumstance, he would possess him of it; but most probably he knew of it more correctly than he did; if he did not, however, he would inform him of the fact. It was this:—that so far from the management then made being attended to, new loans were at this time going on, and new debts contracting. Having moved for the Dehli papers, Mr. Fox concluded his remarks.

Mr. Chancellor Pitt observed, that could he entertain a wish to have the question totally thrown aside, his wish might, with facility, be completed; because as no incontrovertible parliamentary reason could be assigned why a motion should be made twice in the course of the same session for the production of papers, more than for any other purpose, he might object against and absolutely prevent its introduction; yet, in the present case, he would not avail himself of the standing rule of parliamentary proceeding, as he felt an inclination to answer some parts of the right honourable gentleman's argument, and he sincerely hoped that his motion was sufficiently diversified to allow of its being argued a second time. He should, in that hope, reply to the right honourable gentleman, and endeavour to compress his necessary remarks into as few words as possible. He agreed with almost every one of the right honourable gentleman's principles, as well with respect to the policy of the East-India government, as with respect to the right and duty of that House to inquire into all the abuses which might arise in it; but in the conclusions which the right honourable gentleman had drawn from those principles, he widely and completely differed from him. He had formerly, in debate on a motion made by a friend of the right honourable gentleman, given his sentiments concerning the subject of granting official papers for the purpose of facilitating a criminal inquiry, and he would again briefly repeat them. He was of opinion, that, on a motion for papers with such a view, it was necessary first to shew a probable ground of guilt; next, that the papers required were necessary and relevant to substantiate that guilt; and lastly, that the papers might be made public without any dangerous consequence to the State. He should argue the present question on those principles; and if the House should not be perfectly satisfied that on each of them the motion ought to be rejected, he should acquiesce in their opinion. The right honourable gentleman had charged Mr. Hastings with a number of offences, to which, as he contended, the papers now required had a reference. The first charge was, that he had entered into an offensive alliance with the Great Mogul, and, by so doing, had acted in defiance, not only of the order of the Court of Directors, but of the resolution of that House, in approving of those orders by which they had prohibited the

Mr. Chan-
cellor Pitt

Government of Bengal from entering into any offensive alliance with the powers of the East. In the first place, those resolutions which, he admitted with the right honourable gentleman, were singular in themselves, and only to be accounted for and justified by the peculiar situation of the affairs of India, did not prohibit, in strict and implicit construction, every particular alliance of the nature alluded to, but only restrained a wanton habit of making such engagements; for it would prove highly impolitic and absurd, in all cases whatsoever, to forbid the making of offensive alliances, as situations might occur in which they would be indispensably necessary; but in the present case, it was needless to inquire into the latitude which was left to the servants of the Company in India, to exercise a discretion in the forming offensive alliances, as he could shew that, in this at least, there was no such alliance either formed or authorised by Mr. Hastings. The right honourable gentleman had entertained a presumption from the letter of Major Browne, that he had been commissioned by Mr. Hastings to negotiate a treaty of offensive alliance with the Mogul, and this was the only ground of such a suspicion: The most satisfactory method of course, in which that question could be ascertained, was, to read parts of Major Browne's correspondence, and to try whether it contained any thing either to contradict or to confirm that presumption; this he had accordingly done, and should again read a part of it to the House, by which they would become enabled to judge how far the right honourable gentleman was justified in presuming, that Mr. Hastings had employed Major Browne to conclude the alliance in question.

It was necessary for gentlemen to look back upon the situation of India at the period when the transactions took place, by which it would be found, that then a most dangerous attack was made on the Company's possessions by the European enemy of this country, in conjunction with the most formidable of all the princes of India, Tippoo Saib: that the last-mentioned prince, well knowing the influence which the name of the Mogul had upon the feelings and the prejudices of his countrymen, was exercising all his endeavours to bring him over to his interests; that he was making him offers of assistance in re-instating him in the power and consequence which he had lost, and even of great sums of money to bribe him into his party; and that if he had succeeded, an insurmountable addition would have been made to the difficulties under which the English Government had to struggle: That in order to counteract this, it became necessary for the servants of the Company to exert themselves to the utmost to ingratiate themselves with the Court of Dehli, and by such

means

means secure to their employers that great body of strength and influence which would naturally result from the countenance of the Shah; and this more especially, as the Mogul had recently lost his Minister, a person highly serviceable to the British administration, being closely connected by ties of friendship with the Vizier, who was a decided favourer of this country; and that it was determined by the unanimous voice of the Council to send an ambassador to Dehli, in order to secure as much as possible an amicable disposition in that Court. That Mr. Hastings appointed Major Browne to the embassy, and that his instructions were, first, to fulfil the formalities of respect and compliment to the person from whom the Company acknowledged to hold all their possessions; next, to condole with him on the death of his minister; and lastly, to consult with him on the means of restoring him to that power and consequence which his predecessors enjoyed, but which he had been deprived of. He was also to encourage with as much address and delicacy as possible, overtures of an alliance and applications for assistance from the Bengal Government, but was expressly directed to avoid any positive engagements until he should have referred to the Council the proposals made by the Mogul; and particularly, an account of the manner in which any force the Presidency might afford him were to be employed, and the resources by which it was to be paid. These were the objects of Major Browne's mission: the consequences was, that the Mogul, unwilling to espouse the party of Tippoo Saib and France, expressed a willingness to enter into a treaty of an offensive nature with the Government of Bengal, of which Major Browne gave notice to the Council, who refused to enter into it. This circumstance of the attempts of the French and Tippoo Saib, to unite to their joint powers the authority of the Mogul, reminded him of what had dropped from the noble Lord in the blue ribband during the course of a former debate. The noble Lord had paused for some time, to consider what connection there could possibly be between any European power and the Court of Dehli, and had particularly alluded to France—"What," said the noble Lord "has France to do with Dehli?" and the noble Lord attempted to turn into ridicule the idea of supposing that it was necessary to secure that Court, to prevent its falling in with the views of our enemies; but from the facts which appeared upon the face of Major Browne's letter, on which, for other purposes, so much reliance had been placed, the noble Lord might inform himself better respecting the subject, and see that France had very material objects in view in an intercourse and connection with the court of Dehli. [The Chancellor now read that part of Major Browne's instructions

tions to which he had referred before, whence it appeared from that gentleman's own words, that he was expressly refrained from concluding or even proposing any treaty, until he had laid the whole progress of his negotiation before the Council, and had their approbation to proceed upon it.]

The Chancellor was now asked from the other side of the House, what was the date of the letter?

He informed them; and added, that the date led him to another circumstance entitled to particular observation, and this was, that the letter bore a date subsequent to one of the periods in which the right honourable gentleman supposed Mr. Hastings to have given the instructions against which he complained. If, therefore, any such instructions were given, it must according to the right honourable gentleman, have been at the time when Mr. Hastings met Major Browne at Lucknow; but the right honourable gentleman had marked that as the time when it was determined to depart from and violate the treaty, so that it was impossible that he could then have given any such instructions: thus, he apprehended, he had sufficiently proved, that no such treaty was ever undertaken by Mr. Hastings, and so it became impossible that the other charge, of having departed from and violated his treaty could have any place or authority whatsoever. The right honourable gentleman had also accused Mr. Hastings of prosecuting his negotiations with the Mogul without the privacy of the Council, contrary to the duty of his station; but here again were the records of the Council to contradict him; for, as the letters of Major Browne proved, that he had not begun a negotiation for an offensive treaty at all, so it was proved by those that he had never intended to do so without applying to the Council for their encouragement. He should now trouble the House with some brief remarks concerning the charge of having suffered the Mogul to unite with the Marattah powers, which a right honourable gentleman (Mr. Burke) had said it was his duty, by force of arms to have prevented; but before he went farther on that subject, he begged gentlemen to advert to the inconsistency of one gentleman's complaining of a governor for entering into an offensive treaty, and another as bitterly inveighing against him for not actually taking up arms, and this from persons who appeared to go hand in hand in the whole proceeding! With respect to this union of the Mogul with the Marattahs, he should only observe, that if that had not taken place, one or the other of these two circumstances must have occurred; either he must have fallen into the hands of the French and Tippoo Saib, or become connected with the East-India Company by such an alliance as was now so severely reprobated.

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But in fact, if he were inclined to do what his duty restrained him⁷ from doing—to lay open secrets, of which the interests of the country required a concealment, he could easily prove, that the junction of the Mogul with these potentates was of the highest advantage to the Company. The right honourable gentleman had objected to the mode in which the Court of Directors had inquired into the negotiation with the Court of Dehli, making Major Browne the object of their inquiry instead of his employer, Mr. Hastings, whom they entirely passed by; but surely it was a severer method against the principal to apply to the agents in such cases, for it was putting him on his guard, and pointing out to him the necessity of proving against his employer all such facts as, if brought home to him, must, in the end, come upon himself, and was of course adding one person more (and him the most deeply interested) to the list of the accusers; so that in truth, the calling upon Major Browne in the first instance, was the most likely way of bringing forth all the circumstances against Mr. Hastings, supposing the transactions to have been criminal, whilst it by no means tended to produce any thing in his favour.

From all this it must appear, that there was no presumptive grounds for a charge of criminality sufficient to warrant the disclosure of papers alledged to be of a dangerous tendency; but, as the right honourable gentleman had said so much on that head, he should take up as little of the time of the House as possible to give him an answer. He believed, if he were determined to prove to the House, that the papers were really dangerous and improper to be made public, he could do it in a very short and compendious way, to which he confessed he should prove extremely averse. This method, in short, was, by producing them; for he would undertake to say, that were they to be read by the members, there could be but one opinion upon them, that of censure against him for consenting to grant papers of a nature so extremely delicate, and so likely to injure our interests in India, by exposing to each other the views and considerations under which each of the princes of that country had been governed in their arrangements with us. He had (Mr. Pitt added) been called upon to point out how the production of the papers would prove dangerous; but surely by making the attempt he should literally incur the danger; for how could he explain the danger of communicating secrets, without in a great measure making the secrets themselves known? He had already said as much, and perhaps more, than he could with safety say upon the subject; and doubtless it could not be supposed, but that if he consulted his own ease rather than his duty, he must with *once to consent* to granting of the papers; and indeed, when
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he considered, that as yet, all the papers granted, were of a nature calculated to support the charges against Mr. Hastings, and that those now moved for were such, as would place in a most conspicuous point of view, the most meritorious and brilliant part of his administration, he could not help, from motives of compassion and justice, lamenting, that in compliance with his duty, he must object to their production. The right honourable gentleman had attempted to shew, that on the same principles as those on which the present motion was objected to, any delinquent servant of the Public might be screened from punishment and the censure of that House by the bare *ipse dixit* of the Minister, "That the documents necessary to the proof of his guilt could not be produced with safety;" but when circumstances such as he had mentioned, as well of the innocence, nay the merit, of the transaction imputed as criminal, as of the extreme delicacy of the papers demanded were urged, could it possibly be said, that the question rested upon the *ipse dixit* of the Minister? Or could a precedent be established under such circumstances as the present which could ever apply to cases wherein those or similar circumstances did not exist? Where, on the contrary, they occurred, he trusted that all precedents would prove unnecessary, and that the House, guided by the plain rules of common sense and political expedience, would never meet such applications with their unmerited concurrence.

Mr. Sheridan.

Mr. Sheridan remarked, that in spite of the extensive talents and brilliant eloquence of the right honourable gentleman who spoke last, his observations were much too barren of solid argument to constitute a refutation of the reasoning of his right honourable friend (Mr. Fox) who had unanswerably contended for the production of the papers, upon the proof, which he as irrefragably established, that they contained the clearest and most incontrovertible evidence, of a negotiation for an offensive alliance entered into by Mr. Hastings with the country powers; nor had his right honourable friend maintained by less unquestionable allegations, that were these wonderfully secret papers divulged, no danger whatsoever could accrue to the State from their publicity. For his own part he must confess, that were he to place an approving confidence in the measures of an Administration, and any honourable member should move a question for papers affecting the executive government of the country, and His Majesty's Ministers who were to be responsible, should stand up and declare, that the granting the papers would prove dangerous to the State, he would desist from pressing such a motion. But was this the case now? No; the right honourable gentleman, as His Majesty's Minister, was not responsible for the administration of the executive government

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In order more fully to convince the House that the papers would establish a most extraordinary series of duplicity in the conduct of Mr. Hastings, respecting the negotiation with the Mogul, Mr. Sheridan went into a detailed investigation of every minute circumstance of the transactions of Major Browne, from the time of his leaving Calcutta, in October, 1783, to the arrival of Mr. Hastings at Lucknow, with all the relative facts of the flight of the son of the Mogul; of that Prince's reception by Mr. Hastings and the Nabob of Oude; the seizure of the old Minister of the Mogul by the Vizier Aphrazead Cawn, and the putting the Mogul into the hands of Madagee Scindia; reasoning upon each particular as he proceeded, and deducing such inferences as he conceived the premises clearly warranted: all these he contended, concurred in proving, that Mr. Hastings had acted in a manner so intricate and extraordinary, that though he by no means wished it to be understood as suggesting it either as a charge or an insinuation, that Mr. Hastings was conscious of being guilty, yet with the purest innocence on the part of that gentleman, the suspicion to which it gave rise (at least in his mind) was, that Mr. Hastings, from an idea, that the party he considered as his political enemies, were in power at home, might entertain a wish to provide himself a refuge at the

Court of Dehli. On this occasion he must take the liberty to observe that much inconsistency had, to appearance, marked the conduct of a learned and right honourable gentleman, (Mr. Dundas) who discovered an aversion from either manfully standing forward himself as the first accuser of Mr. Hastings, or being at least a warm supporter of the accusation. What could be the reason of the backwardness of the learned and right honourable gentleman, who had built his fame on his conduct as a conductor of Indian inquiries? Was it because he thought to secure that situation he had acquired by prosecuting one supposed delinquent, that he took pains to protect another? Or was it from a kind of gratitude for East-India delinquency to which he had been so much obliged, that he chose to be his friend, and would not, as it were, kick down the ladder on which he had risen? From whatsoever motives a conduct so singular had arisen, it was fair to point at the political versatility of the right honourable and learned gentleman, who could, in 1786, oppose the substantiation of resolutions, for which, in 1782, he had particularly moved.

Maj. Scott. Major Scott rose next, and said: The right honourable gentleman (Mr. Sheridan) who spoke last, has treated the subject in debate in so extraordinary a manner, that I am absolutely lost in astonishment, and find it impossible for me to follow him; yet I will endeavour, Sir, by a plain and faithful relation of facts, to render the subject intelligible to the good sense of this House; but if I were to attempt to answer the honourable gentleman's ingenious arguments in any other way, I should assuredly fail in the attempt. I shall never presume to dispute the abilities, the wit, or the ingenuity of the honourable gentleman, but I must lay claim to some knowledge of the subject before you; and in a debate on an India question, a residence of near sixteen years in that country may give me some advantage over the honourable gentleman, which it would be presumption in me to aspire to upon any other. But before I proceed to detail the circumstances of Major Browne's negotiations, permit me to remark upon a most extraordinary supposition in the conclusion of the honourable gentleman's speech; and I am glad he mentioned it, because it has been already mentioned in a former debate by a right honourable gentleman (Mr. Fox). One way of accounting for Major Browne's proposal for the British government of Bengal to assist the King with troops, is, that it was entirely agreeable to Mr. Hastings; and what renders it so suspicious is, that these troops were not to have British officers. The conclusion meant to be impressed upon the House was, and indeed it was stated too plainly to be misunderstood, that about the time this proposal came from Major Browne, Mr. Hastings had intelligence of certain events in England,
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namely, the right honourable gentleman's India bill, and that he was providing a secure retreat at Dehli, where he might resist the power of this country. An attention to dates over-sets this suspicion in an instant. The proposal for troops was originally made in October 1783, and the right honourable gentleman did not bring in his bill till the following month. No one can believe that I had the most distant idea of the heads of that bill; even the then chairman of the Court of Directors, Sir Henry Fletcher, professed his utter ignorance of it, till it was opened in this House: so that at once there is an end to this suspicion. At a subsequent period, in May 1784, Mr. Hastings had heard from me that the bill had been twice read, and committed. In his reply to that letter, he had prophesied the fate of the bill; he said it never would pass: and many gentlemen in this House have seen the letter. But, he added, that to him it was not of the smallest consequence, since not all the powers upon earth should detain him another season in India, unless upon one condition—that of having complete power from England; and of that he had not the smallest expectations. He kept his word, for he quitted in February 1775, seventeen days previous to the appointment of his successor in England. But admitting for a moment, that Mr. Hastings, feeling strong resentment for the unmerited reproaches cast upon him in England, in return for preserving an empire to Great Britain, had determined within himself to resist that bill: is there a gentleman in this House, who supposes that any thing so absurd, so preposterous, or so ridiculous, as what the two honourable gentlemen have insinuated, could have entered into his head? What, Sir, to trust himself with six miserable battalions of seapoys, without British officers, in a country where there have been, for the last ten years, almost as many assassinations and revolutions as months? No man who knows any thing of India, can, for a moment, entertain such a thought. There was one, and but one way by which such a plan could have succeeded, acting heart and hand with our countrymen in India: but Mr. Hastings at Dehli would have been more inconsiderable than Mr. Hastings in London. As the honourable gentleman has mentioned that India bill, I will tell him what were the feelings of Gentlemen in India upon it, as far as I have been able to learn them, from letters, and the information of those who were at the time it was heard of on the spot. Our countrymen there conceived they had rendered great and important services during the war, and that they were as successful there, as unhappily we were unfortunate every where else: they therefore read with indignation and resentment the virulent abuse which was universally bestowed upon them while that bill was in its progress

through this House; added to this, the general opinion was, that daily supercessions were to be expected, since removals and appointments in India were vested in the Commissioners. Mr. Hastings was generally, almost universally esteemed, or more than esteemed, and the cause was a common one; if, therefore, he had entertained such ideas as the honourable gentleman would impute to him, Calcutta, and not Dehli, would have been his seat of government; but in truth, he was anxious to conclude his business with the Vizier, and to embark for his native country. Having stated this, Sir, I shall now beg leave to reply to all the ingenious arguments of the honourable gentleman by a strict relation of facts.

On the 20th of August, 1782, Major Browne, was by the Governor General and Council, not by Mr. Hastings, appointed Minister from the British government to the Mogul; the instructions were given by Mr. Hastings, with the knowledge and concurrence of the Board, and the material parts have been read by the right honourable gentleman below me. The policy of the embassy has not been disputed. In March, 1783, these instructions were rescinded. In October, 1783, before Major Browne had had an interview with the King, a proposition came from His Majesty and his Minister, to the Governor General and Council for troops to assist him, The Marattah peace, which had not been ratified when Major Browne was deputed, was at this time fully settled: Mr. Hastings recommended a compliance with the King's request, but his Council rejected the proposition, and there it ended. It is necessary to observe that at this time, and for some months before, very violent disputes subsisted in the Council, and Mr. Hastings was in a minority. These disputes continued, till in the latter end of December the Board agreed to leave the province of Oude to the management of Mr. Hastings, he relieving them from the responsibility, and he consenting to it. On the 20th of January, 1784, Major Browne's letter of the 30th of December, 1783, was received and sent in circulation to the other members. The business of Oude was at this time the great subject of attention, and the Board had two months before declared to assist the King. In ten days after this, Mr. Hastings, still in a minority, quitted Calcutta, and expressly confined by his credentials to the execution of that business for which he was deputed, namely, to assist the Vizier in settling his country, and to recover the debts due from him to the Company. The power of removing Major Browne lay with the Board in Calcutta, who were not at that time, nor were till just before his departure for Europe, very well inclined towards Mr. Hastings: they did not remove him; but there was no farther application from him or the King for military assistance at that time. In the

the month of May, while Mr. Hastings was deeply engaged in arranging the affairs of the Nabob Vizier, the Prince arrived in the vicinity of Lucknow; and I can assert it for a fact, upon the solemn assurances of Mr. Hastings, and every gentleman then with him, that he was utterly ignorant of his flight, and that he took every step in his power to prevent his coming to Lucknow; but when it was not to be avoided, he thought it proper to receive him in a manner suited to the dignity of the Prince's station in Indostan. His answer to the Prince was surely wise and true. The King and his Minister afterwards sent a formal embassy to require the Prince's return, and Major Browne was charged with separate commands from the King: whether Mr. Hastings was right or wrong in his judgement, it is certain that he thought this a favourable moment to assist the King. He earnestly pressed his Council to grant him authority, but they peremptorily refused it; and here this second negotiation ended. Mr. Hastings never buoyed the King or the Prince up with an idea that he had any power to assist them, without first receiving the sanction of his Council—One point is curious:

The right honourable gentleman has quoted two resolutions to prove, that to interfere unnecessarily in the disputes of the country powers, is contrary to the wish of this House. Mr. Hastings quoted a third to his Council, to prove that it was the wish of this House that the first favourable opportunity should be seized of doing him a service; for if the resolution does not mean thus much, it means nothing. I desire it may be read:

Resolved, "That it is the opinion of this Committee, that
 "the conduct of the Company and their servants in India to
 "the King, and Nudjiff Cawn, with respect to the tribute
 "payable to the one, and the stipend to the other, and with
 "respect to the transfer of the provinces of Corah and Illahabad to the Vizier, was contrary to policy and good
 "faith; and that such wise and practicable measures should
 "be adopted in future, as may tend to redeem the national
 "honour, and recover the confidence and attachment of the
 "Princes of India."

Now, Sir, this resolution is an ample justification for Mr. Hastings, if he could assist the King without an unnecessary interference in the differences of the country powers; but as his Council would not agree with him, he formally declared that he could not assist the Mogul, though all parties agreed in granting an asylum to the Prince, and the Nabob Vizier cheerfully afforded him the means of subsistence.

I must desire to observe, that Mr. Hastings's deputation to Lucknow had no connection of any sort with Major Browne's negotiations. There had been very violent disputes at
 Lucknow

Lucknow between the Vizier and Hyder Beg Cawn on the one part, and Mr. Bristow on the other. These were referred to Calcutta, and Mr. Hastings differed with his Council essentially upon the subjects in dispute. From May to December, 1783, these differences continued; and then the Council agreed to yield to Mr. Hastings, provided he would ensure the payment of the Company's debt. He acceded to the terms; he prepared, on the Vizier's invitation, to go to Lucknow: his offer was accepted by the Board, and his credentials confined him to the two points of assisting the Vizier, and recovering the balances due from his Excellency to the Company. These were in fact the only two points on which Mr. Hastings was deputed, and therefore his credentials, which this House has ordered to day to be printed, were in every respect proper and ample. It is surely a strange conclusion to draw, that Mr. Hastings wanted to involve the nation in another war, because he declared his opinion to his Council, that if powers were granted to him he would effectually assist the King, and make his situation much more comfortable than it had been for years. If we are to judge from another event, we must think that Mr. Hastings could have performed what he promised. There was hardly a man in India who conceived a possibility of his doing what he did to extricate the Vizier at Lucknow, or to recover the Company's debt. The honourable gentleman has said that Mr. Hastings's letter of the 30th of April, and the postscript of the 13th of May, were printed by me, and publicly read in a Court of Proprietors, and that therefore it is absurd to withhold the other papers. He is very near correct in this statement, but I will relate it exactly as it happened. I declare upon my honour that I did not receive a copy of that letter from Mr. Hastings, but merely a small letter upon a quarter of a sheet of paper, which came in the Company's over-land packet, and was delivered to me at the India House. This letter, which many gentlemen have seen, contained the prophecy of Mr. Hastings, that the right honourable gentleman's bill would never pass, and his mere declaration to return the following season to Europe; but I confess I was very desirous to get at the letter to the Directors; and I will tell the honourable gentleman why. When the right honourable gentleman brought in his India bill, the House and this country were told that the balance due from the Vizier to the Company was above 750,000*l.* and never could be paid, and it was struck out of the Directors' statement. Mr. Hastings's public letter contained authentic accounts that the latest part was actually paid in April, 1784, and an ample provided for liquidating the remainder, as well as for current subsidy; and these funds have been fully sufficient,

cient, as later advices prove. Now, Sir, I do confess, that the triumph of party, by which we are all apt at times to be actuated, did induce me to wish that by some means or other the public should be informed how erroneous the right honourable gentleman's statement in a very material instance had been proved to be. The only way to get at the letter was to propose its being read at a General Court. This we did: the Chairman (Mr. Devaynes) objected to it, but we were too anxious to get at the main point, to attend to his objections, and the letter was read. I had then a right to a copy of it, which I sent to Mr. Debrett to publish; but being desired by several gentlemen not to publish it, I prevented its coming out, even after it was printed. But when Mr. Debrett had actually procured a copy from another channel, I then thought he might as well send mine forth; and this is the state of the transaction. It was a mere party triumph, and not a very unreasonable one, when it was considered how deeply the right honourable gentleman had committed himself on the most material point of the letter in question.

The honourable gentleman has asserted that the Vizier had no army except our forces, commanded by British officers. Good God! Sir, where can he pick up his intelligence? The Vizier's army, I believe, consists of 50,000 men, 15,000 of which are cavalry. Our force in his country consisted of one brigade at Cawnpore, six battalions at Futtyghear, and a small corps at Lucknow; but his own army is very considerable. I will assure the right honourable gentleman that I never saw Mr. Hastings's secret letter of the 16th June, 1784, to the Secret Committee of the Court of Directors, till I read it in his letter book, since this subject was agitated. By that letter it appears that he gave the Court of Directors the earliest intelligence of his views in favour of the King, and of their being counteracted by the refusal of his counsel to grant him powers. This following extract the honourable gentleman has not favoured us with, though the words are contained in the letter he has in part read: "My object is, with the possession of authority, to exhibit it as a means of negotiations, not to exercise it; and I am morally certain that had I possessed such a power at the time in which the event I have described took place, and while the minds of the principal actors were enfeebled with the recent agitation of it, I could have easily dictated the terms both of the King's deliverance from his present thralldom, and his son's return." Mr. Hastings did not possess the powers the council continued to refuse the powers, and he did nothing; but was it criminal in him to ask for them, in order, as he thought, to perform a service acceptable to the Mogul, this nation, and the East-India Company? I am sensible,

sible, Sir, that I have not preserved a proper connection in the detail I have attempted to give you; I will therefore recapitulate in a few words what I meant to state to the House, declaring at the same time, that I have my information from Mr. Hastings; and that Major Browne himself will, in all probability, be in England in twenty days: Major Browne was appointed the 20th of August, 1782, Minister from the Government of Bengal to Dehli. His instructions were read and approved by the Board, then consisting of Mr. Wheeler and Mr. Macpherson, and consequently were the Board's instructions. From this time he had no farther communication with Mr. Hastings, nor any instructions at any time from him but those which I have mentioned. Mr. Hastings did not once write to Major Browne, or see him in August, 1782, till after he left Calcutta himself in February, 1784. Various obstructions prevented Major Browne's arrival at Dehli, till a year and a half after his appointment; in March, 1783, the instructions were rescinded. Mr. Stubbs then being added to the Board, and Sir Eyre Coote having returned from the Court for a short period, from May, 1783, to the 20th of January, 1784, Mr. Hastings was in a minority. In October, 1783, the proposal for assisting the King with troops was debated. Mr. Hastings was for assisting him; the other members were against it; and there it dropped. The same proposal was again repeated, though perhaps in different words, by Major Browne, on the 30th of December, 1783. This was received the 20th of January, 1784, and submitted to the Board, Mr. Hastings all the time in a minority. It does not appear that the Board did any thing upon this matter, or that they ever took it up after; but Mr. Hastings is not to be censured for that; he left Calcutta a very few days after, and was much indisposed at the time. The Council had the power of recalling Major Browne, if they thought he had exceeded his instructions, which were, to encourage rather than to discourage a proposition for troops. They did not recall him; nor did they reply to his letters as I know of: but with this Mr. Hastings had nothing to do. At a distance of five months after the Prince's flight from Dehli, Major Browne came to Lucknow in June, 1784, earnestly intreated by the Mogul to explain the particulars of his situation, and to solicit assistance against Affrasiab Cawn; but the proposal of the 30th of December, 1783, was to co-operate with Affrasiab Cawn and the King. Mr. Hastings deemed the moment a favourable one to assist His Majesty; he applied to his Council for powers; he wrote to the Directors over land that he had done so: the powers were refused and the business ended. Mr. Hastings left Lucknow in August, and India the February following.

Lord

Lord North said, that, rising at so late an hour, he did not mean, by tedious remarks, to press upon the nearly worn-out patience of the House, but should sit down immediately after having made some short and necessary observations. The honourable gentleman (Major Scott) who spoke last, had declared that the Supreme Council at Calcutta refused to assist the Mogul with any troops: yet, strange to tell! in the letter from Major Browne were these words: "We offered to treat; he accepted: We annexed conditions; he approved of them." This, surely, was dealing in plurals!—We! not I! Might it not, therefore, without absurdity, be concluded, that the Council at Calcutta had said "no" to Major Browne, meaning that Major Browne should say "yes" at Delhi? But, doubtless, the ingenuity of the honourable gentleman could either explain away or bring into full consistency the singular disagreements in the accounts of the transaction. Having remarked that he felt it necessary to repeat his declaration, during the course of a preceding debate, that the French had nothing to do at Delhi, Lord North concluded by desiring his right honourable and learned friend (Mr. Dundas) to accept of his congratulations upon the vast renown which he had acquired by formerly moving the resolutions, and at the same time to give him credit for the assertion that had he now maintained them his political reputation would have received a most considerable increase.

The House divided—

Ayes	- - - - -	73
Noes	- - - - -	140

Majority - - 67

The House adjourned.

Monday, 20th March.

Mr. Dundas moved, "That the bill be committed for the ensuing Wednesday." Mr. Dundas.

Mr. Francis objected to so early a day, and observed, that not only on account of the great importance of the bill, and the material alterations which it made in the principles of the constitution; it ought to be suffered to go through all the usual delays of parliamentary proceedings, but because the unusual circumstance attended it, of its being brought in on the same day in which leave had been granted for it. He hoped, therefore, that the right honourable and learned gentleman would allow a longer interval for the commitment. Mr. Francis.

Mr. Dundas contended for the necessity of an early day, Mr. Dundas in order that the bill might go out to India with the ships *soon* intended to sail. The circumstance of its being brought

brought in on the day in which leave had been obtained, was no reason for delay, because it did not proceed from any hastiness in the mover, but from the accident of the motion for leave being made for two days by the disappointment of a ballot for an election committee, which rendered it necessary to make every amends possible in point of time.

Mr. Jolliffe. Mr. Jolliffe expressed his earnest wishes that a delay of some days might be had on a question of such infinite importance, by which the constitution of this country was to be so very materially altered. He foresaw that by this bill, the trial by jury was to be laid aside; for the foundation was hereby laid to subvert and destroy that dearest and most valuable privilege of Englishmen. Our lives, our liberty, our property, and our characters were all dependent on this institution; and the establishing a new mode of trial, was admitting the principle that trials might be had without juries, which, if once established, might be carried to any length. It therefore was but right that the country should know what an attempt was making. There was another great objection to this bill: it established the most enormous power in the hands of Government that ever was heard of; it was, in fact, the most monstrous stride to increase the power of the Crown that had been made at any period; and although the present ministry, or the next, might not misuse it, the consequences might prove dreadful. It was no less than giving absolute dominion into the hands of the government over every man who came from India. He was to give an account of his acquisitions to the Board of Control only, and they might either proceed against him for perjury, in delivering in a false account, or for peculation, or any crime which they might charge against him to have been committed in India, or they might withhold the proceeding as they pleased. This put all the wealth of the East entirely at their disposal. For these reasons, but most especially on account of the alteration of the trial by jury, he moved, "That the bill should be committed for Friday instead of Wednesday."

The House divided on the amendment—

Ayes	-	-	-	-	-	-	-	-	-	19
Noes	,	,	,	,	,	,	,	,	,	53

Majority - - 34

The original question for Wednesday was then put and carried.

Sir Adam
Ferguson.

Sir Adam Ferguson moved the petition of Mr. Ferguson, complaining of an undue election for Aberdeen; and moved, "That it might be taken into consideration on Tuesday the 2d of May."

The

The Earl of *Fife* rose, and informed the House, that Mr. Skene, the member for the county of Aberdeen, was not in town. He intended to be in town in two weeks. He had no idea that there was any design of presenting a petition against his election. Lord Fife added, that he had written to Mr. Skene to hurry him up, and he was certain he would be here about the end of this week. He desired to be understood, as not to insinuate the smallest wish for any delay in hearing the merits of this petition; on the contrary, he did pledge himself to the House for his honourable friend in his absence, that the earliest day which they could name, consistent with their forms, and other business, would be the most agreeable to Mr. Skene. Lord Fife therefore moved an amendment to Sir Adam's motion, "That in place of the 2d of May, Thursday the 27th of April might be the day;" which, after some conversation, and the question being put, was agreed to without a division.

The House adjourned.

Tuesday, 21st March.

Mr. Chancellor Pitt having observed that the subject to which he must intreat the attention of the House required a much speedier dispatch than was unexceptionably consistent with the forms of Parliament, added, that the *Voorberg*, a Dutch outward-bound East Indiaman, had been forced into Dartmouth bay by stress of weather, with the crew in very bad health; that numbers of the persons on board had died since their arrival; that it was the opinion of physicians, that if they continued longer on board, this fever would become more dangerous, and that if they were brought on shore they might be much more easily recovered; that such an alarm had gone abroad among the people as rendered it impossible to provide accommodation for them; that a petition had been sent to His Majesty to relieve those unfortunate persons in such a manner as he was enabled to have carried into execution; but that it was not in His Majesty's power to do any thing without the assistance of Parliament. The House had a precedent to go by in the quarantine laws, which he would beg leave to recommend for their adoption in the present case, and he hoped that where policy and humanity were so strongly in favour of dispatch, the bill which he should move for would be allowed to be brought in and passed during the course of the day. The object of his bill was, to invest three commissioners with powers to take a sufficient portion of ground for the purpose of erecting temporary buildings, for the accommodation of the crew at a proper distance (to be expressed in the bill) from any dwelling houses; and were the land-

brought in on the day in which leave had been obtained, was no reason for delay, because it did not proceed from any hastiness in the mover, but from the accident of the motion for leave being made for two days by the disappointment of a ballot for an election committee, which rendered it necessary to make every amends possible in point of time.

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The House divided on the amendment—

Ayes	- - - - -	19
Noes	- - - - -	53

Majority - - 34

The original question for Wednesday was then put and carried.

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Court of Dehli. On this occasion he must take the liberty to observe that much inconsistency had, to appearance, marked the conduct of a learned and right honourable gentleman, (Mr. Dundas) who discovered an aversion from either manfully standing forward himself as the first accuser of Mr. Hastings, or being at least a warm supporter of the accusation. What could be the reason of the backwardness of the learned and right honourable gentleman, who had built his fame on his conduct as a conductor of Indian inquiries? Was it because he thought to secure that situation he had acquired by prosecuting one supposed delinquent, that he took pains to protect another? Or was it from a kind of gratitude for East-India delinquency to which he had been so much obliged, that he chose to be his friend, and would not, as it were, kick down the ladder on which he had risen? From whatsoever motives a conduct so singular had arisen, it was fair to point at the political versatility of the right honourable and learned gentleman, who could, in 1786, oppose the substantiation of resolutions, for which, in 1782, he had particularly moved.

Maj. Scott. Major *Scott* rose next, and said: The right honourable gentleman (Mr. Sheridan) who spoke last, has treated the subject in debate in so extraordinary a manner, that I am absolutely lost in astonishment, and find it impossible for me to follow him; yet I will endeavour, Sir, by a plain and faithful relation of facts, to render the subject intelligible to the good sense of this House; but if I were to attempt to answer the honourable gentleman's ingenious arguments in any other way, I should assuredly fail in the attempt. I shall never presume to dispute the abilities, the wit, or the ingenuity of the honourable gentleman, but I must lay claim to some knowledge of the subject before you; and in a debate on an India question, a residence of near sixteen years in that country may give me some advantage over the honourable gentleman, which it would be presumption in me to aspire to upon any other. But before I proceed to detail the circumstances of Major Browne's negotiations, permit me to remark upon a most extraordinary supposition in the conclusion of the honourable gentleman's speech; and I am glad he mentioned it, because it has been already mentioned in a former debate by a right honourable gentleman (Mr. Fox). One way of accounting for Major Browne's proposal for the British government of Bengal to assist the King with troops, is, that it was entirely agreeable to Mr. Hastings; and what renders it so suspicious is, that these troops were not to have British officers. The conclusion meant to be impressed upon the House was, and indeed it was stated too plainly to be misunderstood, that about the time this proposal came from Major Browne, Mr. Hastings had intelligence of certain events in England,
namely,

namely, the right honourable gentleman's India bill, and that he was providing a secure retreat at Dehli, where he might resist the power of this country. An attention to dates over-sets this suspicion in an instant. The proposal for troops was originally made in October 1783, and the right honourable gentleman did not bring in his bill till the following month. No one can believe that I had the most distant idea of the heads of that bill; even the then chairman of the Court of Directors, Sir Henry Fletcher, professed his utter ignorance of it, till it was opened in this House: so that at once there is an end to this suspicion. At a subsequent period, in May 1784, Mr. Hastings had heard from me that the bill had been twice read, and committed. In his reply to that letter, he had prophesied the fate of the bill; he said it never would pass: and many gentlemen in this House have seen the letter. But, he added, that to him it was not of the smallest consequence, since not all the powers upon earth should detain him another season in India, unless upon one condition—that of having complete power from England; and of that he had not the smallest expectations. He kept his word, for he quitted in February 1775, seventeen days previous to the appointment of his successor in England. But admitting for a moment, that Mr. Hastings, feeling strong resentment for the unmerited reproaches cast upon him in England, in return for preserving an empire to Great Britain, had determined within himself to resist that bill: is there a gentleman in this House, who supposes that any thing so absurd, so preposterous, or so ridiculous, as what the two honourable gentlemen have insinuated, could have entered into his head? What, Sir, to trust himself with six miserable battalions of seapoys, without British officers, in a country where there have been, for the last ten years, almost as many assassinations and revolutions as months? No man who knows any thing of India, can, for a moment, entertain such a thought. There was one, and but one way by which such a plan could have succeeded, acting heart and hand with our countrymen in India: but Mr. Hastings at Dehli would have been more inconsiderable than Mr. Hastings in London. As the honourable gentleman has mentioned that India bill, I will tell him what were the feelings of Gentlemen in India upon it, as far as I have been able to learn them, from letters, and the information of those who were at the time it was heard of on the spot. Our countrymen there conceived they had rendered great and important services during the war, and that they were as successful there, as unhappily we were unfortunate every where else: they therefore read with indignation and resentment the virulent abuse which was universally bestowed upon them while that bill was in its progress

through this House; added to this, the general opinion was, that daily supercessions were to be expected, since removals and appointments in India were vested in the Commissioners. Mr. Hastings was generally, almost universally esteemed, or more than esteemed, and the cause was a common one; if, therefore, he had entertained such ideas as the honourable gentleman would impute to him, Calcutta, and not Dehli, would have been his seat of government; but in truth, he was anxious to conclude his business with the Vizier, and to embark for his native country. Having stated this, Sir, I shall now beg leave to reply to all the ingenious arguments of the honourable gentleman by a strict relation of facts.

On the 20th of August, 1782, Major Browne, was by the Governor General and Council, not by Mr. Hastings, appointed Minister from the British government to the Mogul; the instructions were given by Mr. Hastings, with the knowledge and concurrence of the Board, and the material parts have been read by the right honourable gentleman below me. The policy of the embassy has not been disputed. In March, 1783, these instructions were rescinded. In October, 1783, before Major Browne had had an interview with the King, a proposition came from His Majesty and his Minister, to the Governor General and Council for troops to assist him, The Marattah peace, which had not been ratified when Major Browne was deputed, was at this time fully settled: Mr. Hastings recommended a compliance with the King's request, but his Council rejected the proposition, and there it ended. It is necessary to observe that at this time, and for some months before, very violent disputes subsisted in the Council, and Mr. Hastings was in a minority. These disputes continued, till in the latter end of December the Board agreed to leave the province of Oude to the management of Mr. Hastings, he relieving them from the responsibility, and he consenting to it. On the 20th of January, 1784, Major Browne's letter of the 30th of December, 1783, was received and sent in circulation to the other members. The business of Oude was at this time the great subject of attention, and the Board had two months before declared to assist the King. In ten days after this, Mr. Hastings, still in a minority, quitted Calcutta, and expressly confined by his credentials to the execution of that business for which he was deputed, namely, to assist the Vizier in settling his country, and to recover the debts due from him to the Company. The power of removing Major Browne lay with the Board in Calcutta, who were not at that time, nor were till just before his departure for Europe, very well inclined towards Mr. Hastings: they did not remove him; but there was no farther application from him or the King for military assistance at that time. In

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the month of May, while Mr. Hastings was deeply engaged in arranging the affairs of the Nabob Vizier, the Prince arrived in the vicinity of Lucknow; and I can assert it for a fact, upon the solemn assurances of Mr. Hastings, and every gentleman then with him, that he was utterly ignorant of his flight, and that he took every step in his power to prevent his coming to Lucknow; but when it was not to be avoided, he thought it proper to receive him in a manner suited to the dignity of the Prince's station in Indostan. His answer to the Prince was surely wise and true. The King and his Minister afterwards sent a formal embassy to require the Prince's return, and Major Browne was charged with separate commands from the King: whether Mr. Hastings was right or wrong in his judgement, it is certain that he thought this a favourable moment to assist the King. He earnestly pressed his Council to grant him authority, but they peremptorily refused it; and here this second negotiation ended. Mr. Hastings never buoyed the King or the Prince up with an idea that he had any power to assist them, without first receiving the sanction of his Council—One point is curious:

The right honourable gentleman has quoted two resolutions to prove, that to interfere unnecessarily in the disputes of the country powers, is contrary to the wish of this House. Mr. Hastings quoted a third to his Council, to prove that it was the wish of this House that the first favourable opportunity should be seized of doing him a service; for if the resolution does not mean thus much, it means nothing. I desire it may be read:

Resolved, "That it is the opinion of this Committee, that
 "the conduct of the Company and their servants in India to
 "the King, and Nudjiff Cawn, with respect to the tribute
 "payable to the one, and the stipend to the other, and with
 "respect to the transfer of the provinces of Corah and Illahabad to the Vizier, was contrary to policy and good
 "faith; and that such wise and practicable measures should
 "be adopted in future, as may tend to redeem the national
 "honour, and recover the confidence and attachment of the
 "Princes of India."

Now, Sir, this resolution is an ample justification for Mr. Hastings, if he could assist the King without an unnecessary interference in the differences of the country powers; but as his Council would not agree with him, he formally declared that he could not assist the Mogul, though all parties agreed in granting an asylum to the Prince, and the Nabob Vizier cheerfully afforded him the means of subsistence.

I must desire to observe, that Mr. Hastings's deputation to Lucknow had no connection of any sort with Major Browne's negotiations. There had been very violent disputes at
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Lucknow between the Vizier and Hyder Beg Cawn on the one part, and Mr. Bristow on the other. These were referred to Calcutta, and Mr. Hastings differed with his Council essentially upon the subjects in dispute. From May to December, 1783, these differences continued; and then the Council agreed to yield to Mr. Hastings, provided he would ensure the payment of the Company's debt. He acceded to the terms; he prepared, on the Vizier's invitation, to go to Lucknow: his offer was accepted by the Board, and his credentials confined him to the two points of assisting the Vizier, and recovering the balances due from his Excellency to the Company. These were in fact the only two points on which Mr. Hastings was deputed, and therefore his credentials, which this House has ordered to day to be printed, were in every respect proper and ample. It is surely a strange conclusion to draw, that Mr. Hastings wanted to involve the nation in another war, because he declared his opinion to his Council, that if powers were granted to him he would effectually assist the King, and make his situation much more comfortable than it had been for years. If we are to judge from another event, we must think that Mr. Hastings could have performed what he promised. There was hardly a man in India who conceived a possibility of his doing what he did to extricate the Vizier at Lucknow, or to recover the Company's debt. The honourable gentleman has said that Mr. Hastings's letter of the 30th of April, and the postscript of the 13th of May, were printed by me, and publicly read in a Court of Proprietors, and that therefore it is absurd to withhold the other papers. He is very near correct in this statement, but I will relate it exactly as it happened. I declare upon my honour that I did not receive a copy of that letter from Mr. Hastings, but merely a small letter upon a quarter of a sheet of paper, which came in the Company's over-land packet, and was delivered to me at the India House. This letter, which many gentlemen have seen, contained the prophecy of Mr. Hastings, that the right honourable gentleman's bill would never pass, and his mere declaration to return the following season to Europe; but I confess I was very desirous to get at the letter to the Directors; and I will tell the honourable gentleman why. When the right honourable gentleman brought in his India bill, the House and this country were told that the balance due from the Vizier to the Company was above 750,000*l.* and never could be paid, and it was struck out of the Directors' statement. Mr. Hastings's public letter contained authentic accounts that the greatest part was actually paid in April, 1784, and an ample fund provided for liquidating the remainder, as well as for the current subsidy; and these funds have been fully sufficient,

cient, as later advices prove. Now, Sir, I do confess, that the triumph of party, by which we are all apt at times to be actuated, did induce me to wish that by some means or other the public should be informed how erroneous the right honourable gentleman's statement in a very material instance had been proved to be. The only way to get at the letter was to propose its being read at a General Court. This we did: the Chairman (Mr. Devaynes) objected to it, but we were too anxious to get at the main point, to attend to his objections, and the letter was read. I had then a right to a copy of it, which I sent to Mr. Debrett to publish; but being desired by several gentlemen not to publish it, I prevented its coming out, even after it was printed. But when Mr. Debrett had actually procured a copy from another channel, I then thought he might as well send mine forth; and this is the state of the transaction. It was a mere party triumph, and not a very unreasonable one, when it was considered how deeply the right honourable gentleman had committed himself on the most material point of the letter in question.

The honourable gentleman has asserted that the Vizier had no army except our forces, commanded by British officers. Good God! Sir, where can he pick up his intelligence? The Vizier's army, I believe, consists of 50,000 men, 15,000 of which are cavalry. Our force in his country consisted of one brigade at Cawnpore, six battalions at Futtyghear, and a small corps at Lucknow; but his own army is very considerable. I will assure the right honourable gentleman that I never saw Mr. Hastings's secret letter of the 16th June, 1784, to the Secret Committee of the Court of Directors, till I read it in his letter book, since this subject was agitated. By that letter it appears that he gave the Court of Directors the earliest intelligence of his views in favour of the King, and of their being counteracted by the refusal of his counsel to grant him powers. This following extract the honourable gentleman has not favoured us with, though the words are contained in the letter he has in part read: "My object is, with the possession of authority, to exhibit it as a means of negotiations, not to exercise it; and I am morally certain that had I possessed such a power at the time in which the event I have described took place, and while the minds of the principal actors were enfeebled with the recent agitation of it, I could have easily dictated the terms both of the King's deliverance from his present thraldom, and his son's return." Mr. Hastings did not possess the powers the council continued to refuse the powers, and he did nothing; but was it criminal in him to ask for them, in order, as he thought, to perform a service acceptable to the Mogul, this nation, and the East-India Company? I am sensible,

that he had yet heard, had induced him to change his mind in that respect, and therefore he must beg to be excused saying any thing farther till the fit opportunity came, which surely the honourable gentleman took an odd way of getting at, by moving that the Chairman should quit the chair as soon almost as he had got into it.

Mr. Powys. Mr. *Powys* remarked, that although he should vote against the motion for the Chairman's leaving the chair, yet he begged not to be understood as standing pledged to support the whole of the clauses of the bill. Several of them he thought exceedingly proper, and some highly otherwise.

Mr. Fox. Mr. *Fox* rose again and said he should not take the sense of the House upon the motion, but that extraordinary as such a motion might appear, yet it was by no means irregular or unusual to move that a Chairman leave a chair as soon as he came into it, by way of instituting a debate, and he should have imagined the honourable gentleman would have been glad of the opportunity the motion would have afforded him, of going into a general explanation of the clauses of the bill.

Mr. Drake. Mr. *Drake* censured (what he denominated) the unsteady, shuttlecock mode of proceeding in bringing bill after bill to amend and explain a subject of so much importance. He had heard a high character of Earl Cornwallis, and believed him to have been every way deserving of it; but if Government did not proceed in a more easy and settled manner, how did the House know, but before his Lordship reached Bengal, another bill might be proposed, his power detruncated and his authority lost?

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* inveighed against the ridiculous inconsistency of moving the Speaker out of the chair, merely for the purpose of moving him into it again, without doing any thing in consequence of his leaving it. But, gentlemen complained that they had not certain clauses prepared which they thought necessary to be added to the bill. In his opinion, sufficient time had been given to prepare every such clause; but had it been otherwise, an objection of that nature came with an awkward grace from gentlemen, who had themselves so recently prepared an entire new bill for the purpose of amending and altering the old one, and who of course must be provided with every thing they thought necessary for the purpose. The right honourable gentleman had boasted that he and his friends were desirous of putting off the necessity of answering the strong arguments of the right honourable gentleman; but he believed it would appear that they who endeavoured to move the Chairman out of the chair, were more desirous to postpone the discussion, than those who wished to continue him in it, until that stage of business

business, in which alone such a discussion would be at all applicable. As for the arguments themselves to which he alluded, though he could not pretend to say he had not heard them, the tone and voice in which they were delivered having rendered that impossible, yet he must declare that he did not sufficiently understand how they affected the question, then before the Committee, so as to be able to attempt any answer to them with a view to arguing the impropriety of the Chairman's leaving the chair.

At length the question was put and lost. The Committee then proceeded, Mr. Dundas proposing to fill up the blanks; and to state his reason for each particular clause, as each came under consideration.

Mr. *Sloper* reprobated the clause which enacted, that the Commander in Chief should not in future be of necessity one of the Council. This was, he thought, extremely harsh and unfair in respect to the present Commander in Chief, and therefore he should move as an amendment to confine the clause to future Commanders in Chief: and the rather, because he thought it hard, that a Commander in Chief should be recalled, without some ground of complaint or reason being alledged.

Mr. *Fox* contended against the idea, that military men were not liable to be recalled by their employers without some reason being assigned. He said that he ever would maintain, that military men were liable to be recalled at the pleasure of those in whose service they were employed without any reason whatever being assigned: but he nevertheless thought the case of General *Sloper* exceedingly severe, as the taking from him a right of sitting at the Council Board, which he already enjoyed, *ex officio*, was an humiliating degradation of his character.

Mr. Chancellor *Pitt* lamented over that unfortunate state of public spirit within the kingdom which would not permit any question of political expediency to escape resisting arguments upon personal and private considerations. However, since such had become the practice he must submit to it, and would therefore answer the gentlemen upon their own grounds. He could easily account for the warmth which one of the honourable gentlemen had appeared to feel on the subject, where so near a relation was supposed to be concerned; it was natural, it was in some degree laudable; but for the right honourable gentleman who had taken up the same grounds there was no room for any such excuse. He would undertake to prove, that the bill might not in reality affect General *Sloper*, as had been urged; and he would also put a question to the honourable relation of the General, whe-

ther, considering some circumstances which he should mention, any complaint could possibly be made by his friends, should it even operate against him in the manner it was apprehended. The General might probably still retain his situation in the Council, nor was it fair in the honourable gentleman (Mr. Sloper) to glance at the supposed injustice of recalling a General from his command without assigning any cause. The right honourable gentleman himself had at first joined in reprobating this doctrine, though towards the end of his speech he had inadvertently seemed to fall into it; and though he disclaimed the principle in general, he had adopted it in the particular case. He joined in opinion with his right honourable and learned friend, that a person might be perfectly eligible to the command of an army, without possessing those qualifications which were necessary in a statesman; and that more especially, in the Bengal government, where certain talents which were, by no means requisite in the soldier, were certainly indispensable in a counsellor, and that more especially, as the new powers to be vested in the Governor General, would lay the other members of the Council under the necessity, whenever those powers should be exercised, of entering in detail the whole of their arguments, on their journals, and taking a comprehensive political view of every question which should fall under such a circumstance; besides, the greater the political abilities of the counsellors might be, the greater restraint would be imposed on the Governor. He did not mean to argue upon the merits or abilities of General Sloper, as in reality they were no way concerned in the question, which only related to the establishment of a general political regulation without any reference whatever to the particular individual; but he believed he could remind the House, and the right honourable gentleman, of an instance, that should General Sloper be deprived of his seat in the council in consequence of that clause, it would appear to apply exactly in point. When on a former occasion, he had the misfortune to lose a seat in the Cabinet, the person who was commander in chief, had the good fortune to retain his office, but no longer continued a member of the Cabinet, though he had been one before. The right honourable gentleman had a considerable share in the arrangements which were made at that time, and he hoped he would explain to the House, how such an alteration could take place in the situation of a right honourable officer (General Conway) without involving him in the same disgrace that it was now stated would fall on General Sloper, by barely making it possible for that to happen to the latter which had actually happened to the former. He could by no means agree to take into consideration the circumstances of General Sloper's

fortune as an argument which either could or ought to weigh one way or the other on the present question, for it would be a dangerous and absurd doctrine to establish, that the House, in debating a question of a public nature, should be at all influenced by motives arising either from the wealth or the poverty of any person whom that question might affect. But the honour of General Sloper was by no means affected by the clause; and one circumstance must immediately silence all arguments drawn from that gentleman's situation:—

“ When General Sloper accepted of the command in India, it was with a particular condition, that if this country should be so fortunate as to acquire the assistance of the abilities of Earl Cornwallis as Governor General, that then the office of Commander in Chief should be united with that of Governor, and to this condition General Sloper consented.” He should therefore beg leave to ask the honourable gentleman so affectionately zealous in the cause of his relation, whether the latter could with reason either complain or repine?

Mr. *Sloper* answered, that Earl Cornwallis told him personally, that when he went out his going would not at all affect General Sloper's situation. Mr. Sloper.

Mr. *Fox* remarked, that as the right honourable gentleman (Mr. Pitt) had chosen so particularly to advert to the case of the Commander in Chief (General Conway) he, for his part, should think it sufficient to answer, that when this gallant and enlightened officer sat in the Cabinet, it was in a time of war, and when he no longer belonged to the Cabinet, we were at peace. But to deprive General Sloper of the right of a seat in Council proved every way injurious, as a degradation of his character in the eyes of all India, and a most oppressive reduction of his appointments from sixteen thousand to only six thousand pounds a year. Mr. Fox.

Mr. *Sloper* declared, that General Sloper had much rather be recalled, than submit to so irksome and ignominious an alteration. Mr. Sloper.

At length the Committee divided on Mr. Sloper's amendment, when the numbers were,

For the original words of the clause,	-	-	151
For the proposed amendment,	-	-	65

Majority,	-	-	86
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Mr. *Dundas* contended, that the clause, empowering the Court of Directors to unite the offices of Governor General and Commander in Chief in one and the same person, was equally necessary and politic, because it introduced an opportunity of employing Earl Cornwallis in the two different capacities, Mr. Dundas.

principles of freedom, nor was there ever a government in the world in which there were not balances that distinguished it from an arbitrary government. This had been lately experienced at Smyrna, where there were three different powers to check and control each other, and yet the Turkish government had been blazoned forth by the advocates of arbitrary power as a true model of that sort of government. But, in fact, the whole of the business of India reform was a most contemptible result to so much time and trouble as it had cost him and other members of that House in inquiries into the abuses of the East, and in preparing numerous and voluminous reports upon the subject. He told Mr. Rouse that he little expected the whole was to end in his being seated in that chair, the Chairman of a Committee on such a bill as that upon the table. He thanked the honourable gentleman for his powerful assistance in drawing up the first Report of the Select Committee, and lamented that such a laudable design should end in the learned and right honourable gentleman opposite to him having endeavoured to erect a whispering gallery for the Board of Control, which demanded auricular confession, and armed with the new powers the new bill was to give it, would prove a direct copy of the ear of Dionysius. The bill was a Rawhead and Bloody-bones, which had assumed various shapes; and to prove that dispatch was a thing which defeated many projects, he should put the case — had the learned and right honourable gentleman come down to that House at once, and said out boldly, “my plan is despotism and an arbitrary government;” in that case the House would have revolted at once, but now they had been taken by sap; they were tamely surrendering to principles that would have shaken every fibre in the frame of their ancestors but to have heard mentioned in any other terms than terms of execration. He described the progress of the India bills of the gentlemen on the other side allegorically, and said, profligacy had first cried out, “Give me despotism;” but hypocrisy, more artful and wilely, had said, “No, let us come upon them by degrees, and then they’ll submit to what would have frightened them at first;” and so an abortion of tyranny, like an imperfect fœtus in a bottle, was produced and brandied about as a shew; at length the child’s navel strings broke, and a full-grown monster of tyranny, the bill upon the table, was brought forth. To administer arbitrary power as a cure for the ills of India, was like that man who said he could apply one short and immediate remedy for the various diseases of the human body — poison. He declared that he considered the present bill as pregnant with unconstitutional doctrines; *Magna Charta* and the Bill of Rights gave every man a trial per judicium

primum, aut per legem terræ. This bill confirmed a new Court of Star Chamber, and prevented a possibility of a trial *per pares*, as would be the case if Earl Cornwallis should be tried. What he, from the experience derived from many years attention, would recommend as a means of recovering India, and reforming all its abuses, was a combination of these three things — a government by law, trial by jury, and publicity in every executive and judicial concern. Various were the arts played off by profligacy and hypocrisy; and when hypocrisy might think proper to conclude her game, and let profligacy play her part,

“ Then should the warlike Harry, like himself,

“ Assume the port of Mars; and, at his heels,

“ Leash'd in like hounds, should famine, sword, and fire,

“ Crouch for employment.”

Measures of this completion would indeed account for ministerial taciturnity. It was the only species of conduct which could suit the question which occupied the Committee. He deplored the fate of the country and the constitution from the spectacle which attracted their attention at this moment. What did these amendments recommend? It was a system of arbitrary government. Where were the feelings of Englishmen, who could hear what struck him as the grossest insult which could be offered to a British Parliament? And were they then reduced to that degraded and abject situation which forced them, instead of delivering the captives from thralldom, to forge for them new chains, to be the instruments of increasing even the heavy misfortunes of slaves? Was this the character of our forefathers? No; it had happened to us in these dregs of times, when public spirit, the liberties of mankind, the generosity, the justice, the dignity of the nation, were all extinguished. But nothing could astonish him more than to find that dignity, energy, and dispatch, were expected to result from absolute power. Was not even this absurdity, gross and monstrous as it was, too palpable to be swallowed implicitly by a British House of Commons? He desired to know where that arbitrary government existed, of which dignity, energy, and dispatch, were the characteristics. To what had democracy, in all ages and all countries, owed most of its triumphs, but to the openness, the publicity, and the strength of its operation. The imbecilities, inseparable from the exertions of the best mind on earth, would always render the measures of an arbitrary government weak and imperfect. It was in direct opposition to all our theories and knowledge of human nature, to expect from one more than from many; or that the opinion of an individual, in all cases respecting the govern-
ment

ment and regulation of society, should be more solid than those which result from the joint experience and wisdom of multitudes combined and matured for that purpose. Yet, if he reasoned wrong, why had not the same system prevailed in the British Government? The learned and honourable gentleman, in the completion of this wonderful system, had roundly impeached the sagacity and integrity of our ancestors. They had consecrated, for the use of posterity, a system of government extremely different. How long it might retain the venerable garb which it had hitherto worn he knew not, but he shrewdly apprehended a design was on foot, hostile to that ancient and stately fabric, which had been the wonder and admiration of all the wisest, the best, and the greatest of men, for many generations. This government, therefore, devised by a British House of Commons, for one of our dependences, was the first of the kind; it had no example among the nations the most polished, or the most barbarous; it was repugnant to every feeling of the human heart, and stamped throughout with cruelty and outrage. He for his part should not have remarked on the system at all, but merely to enter his protest against it; for he conceived it to be one of those gross and extravagant absurdities which was not susceptible of reason, on which men of sensibility could not reason, which it were a prostitution of reason to be applied either for or against. He desired to be shewn what *data* human nature afforded as the foundation of so outrageous a system. Where were those sacred principles of freedom in which the British laws formerly originated? Gone, and something else was now substituted in their room. This perhaps was our destiny, and, for ought he knew, it might be our duty to submit; but it was hard on those who regarded the British liberties with affection. The period was however arrived, when the feelings of Englishmen were put to the test. He was sorry they did not seem more alive, and that such a measure as that before the Committee could be suffered to make its appearance in the British Senate. While he had a voice, however, it should be exerted in protesting against an innovation thus shocking and monstrous. Were the present an original measure, it might have been proper to attack it in another manner, but it was no more than the completion of one. The gradation was obvious, and menaced the liberties of the country through every stage of the business in the same formidable manner. The right honourable and learned gentleman's bill began with reprobating five in Council. This was one preliminary step for augmenting the power of the Governor General. His learned and right honourable friend next, with all the fury of his eloquence, attacked a casting voice. All this was hitherto

aiming

aiming at that arbitrary power which was the principal intention of the measure, only obliquely. But having thus paved the way, a bold and unequivocal step is taken at last to outrage this country and this House with a proposition for the establishment of a system which our ancestors struggled and died to exterminate, which is incongruous to the habits and peculiarities of the national character, and which we cannot admit without sacrificing at once all our prepossessions for the privileges of Britons, and the rights of humanity. He wished the Committee to recollect how this measure had throughout sacrificed the many for the few. He adverted to that clause in the original bill of 1784, which rendered every individual who had been in India accountable for his fortune. It had been often enough observed, and justly, that this clause was sufficient, in an honest and independent House of Commons, to have ruined the entire measure. It afforded every subterfuge which villainy could desire, and exposed honesty alone to ridicule and contempt. Did a principle like this become the British Legislature? It certainly did not; but it was adopted, and operated at this moment, to the disgrace of the country. In what manner were delinquencies now to be detected? It was taken for granted that no man could have a large fortune by honest means, because so many had been known to bring home one by means that were not honest. This principle was wrong, because it supposed that which was not true. Industry would undoubtedly obtain its object by perseverance there as well as here. Money might to a certainty be even more easily obtained, as it was ten per cent. cheaper. A man of this kind might not like to give an accurate account of all his acquisitions, as it would in a great measure prove impracticable. He stated the case of a person high in office, who, by every species of the grossest peculation which his situation might enable him to practice, should accumulate enormous wealth, but who, at the same time, should waste that ill-gotten revenue for the most flagitious purposes; although guilty of almost every crime which human nature can perpetrate while in India, having thus dissipated his substance, he might be a poor man by the time he came home. It would not then be an object to prosecute his delinquencies. For the meaning of this clause was to lay hold on a man's fortune first, and condemn him afterwards; to begin with the effects of his crimes, in order the more easily and unanswerably to prove his criminality. What was that but a literal transcript of what had been done in India during the administration of Mr Hastings? It was the practice to examine the country, and wherever he found money to affix guilt. *There was not a more dreadful fault that could be alleged against*

against a native than that he was rich. The moment this fact was substantiated guilt was presumed; and it was no very difficult matter, with the powers he possessed, to realize whatever charges he chose to feign. All this did he perpetually censure, because he constantly knew it to be a leading feature of that government for which Mr. Hastings was responsible; it was one of the charges which he should endeavour to substantiate. But what encouragement did the measure he now condemned afford him for proceeding in the prosecution of a delinquency, which the House would virtually approve, by an adoption of what originated in the same principle, and might be directed to the same object. All which had yet been said of the judicature, which was now established for the purpose of punishing the delinquencies committed in India, fell short of its turpitude; it had no authority, example, similitude, or precedent, in the history of this country, except, perhaps, the Star Chamber of detestable memory. This institution, which had made the hearts of the whole nation to quake and tremble, was composed of Peers, Privy Counsellors, and Judges. Lord Bacon, not much to his credit, exclaimed, Where would any man wish to be tried with greater safety? He owned there was at least as much probability that a Court, constituted of such respectable members, was as likely to pronounce an independent and impartial sentence, as any selection which a Minister could make from his friends in that House. But was this to be compared to an English Jury? It certainly was not. The safety, the satisfaction, and the confidence connected with this mode of trial, arose from the character of the jurymen. They were citizens, and not politicians; and each of them might to-morrow return to the very situation in which had been the man whom they condemned. This he considered as the great bulwark of our liberties, and the deprivation of it was a punishment hanging over the heads of those who probably deserved it the least. It was at the same time, he readily allowed, such a judicature as became the crimes which were likely enough to be subjected to their cognizance. Whoever brought home money sufficient to tempt his relations, or friends, or others in the secret, to betray him, would fall under the lash of such an institution. He remembered that it had been said of one King James, of Scotland, on viewing the beautiful and rich gardens, and other fertile and delightful parts of a great man's property, which lay on the banks of the Tay, that he exclaimed, "What a *bonny traitor* would 'this *man mack*!'—meaning that his possessions were sufficient to tempt the grasp of rapacity thus armed with power. Mr. Burke stated, that the situation of the Company's subordinate servants is often such as obliges them to have recourse

to unfair practices, in order to support their dignity. The Residents, for example, in Oude and Benares, the one had not an allowance of above twenty-four hundred pounds, and the other received about twelve: these salaries were by no means adequate to the indispensable expenditure of these gentlemen in their official situations or capacities. But suppose either or both the Residents to have realized enormous fortunes, it was in the power of any of their dependents, or others in their confidence, to present a statement of the fact, and from that circumstance tempt them to a collusion, in order to avoid the punishment of their crime.

Mr. Fox observed, that he thoroughly coincided in all the sentiments of his right honourable friend who spoke last, and felt equal indignation, sorrow, and surprise, that a bill so directly the reverse in principle, and so objectionable in many of its parts, however proper in others, should be delivered to the Committee in a manner so extraordinary, without the author of it having thought it worth his while to say a word in explanation of it. When the learned and right honourable gentleman had first introduced it, he had himself assigned a few reasons, if reasons they may be called, for the several heads of alteration which he meant it should contain, and he had himself said at the time, that he supposed at the second reading, or in the Committee, would be the proper time to go into it more fully. Having given them to expect by this that the learned and right honourable gentleman would have opened the contents of the bill a little more at large, and stated the particular facts which constituted the necessity upon which he presumed the essential difference had been made in the bill, compared to the bill of 1784, he owned he was in some degree surprised at the learned and right honourable gentleman's silence; but, however, the right honourable gentleman might affect to disregard what had fallen from his honourable friend behind him, with an impression and a weight that he should imagine no man could resist, and which was not more remarkable for the splendour of eloquence with which it had been delivered, than for the truth of the arguments and the force of the conclusions; what his right honourable friend had said must be answered, and he felt himself extremely anxious to hear in what manner the learned and right honourable gentleman would ward off the force of what the House had just heard.

Mr. Dundas answered, that he had not been silent out of any disrespect to either of the honourable gentlemen, but had barely reserved himself till they came to fill up the blanks of the respective clauses, which he conceived to be the proper time for stating to the Committee upon what principle it was that he proposed each particular alteration. Nothing that

that he had yet heard, had induced him to change his mind in that respect, and therefore he must beg to be excused saying any thing farther till the fit opportunity came, which surely the honourable gentleman took an odd way of getting at, by moving that the Chairman should quit the chair as soon almost as he had got into it.

Mr. Powys. Mr. *Powys* remarked, that although he should vote against the motion for the Chairman's leaving the chair, yet he begged not to be understood as standing pledged to support the whole of the clauses of the bill. Several of them he thought exceedingly proper, and some highly otherwise.

Mr. Fox. Mr. *Fox* rose again and said he should not take the sense of the House upon the motion, but that extraordinary as such a motion might appear, yet it was by no means irregular or unusual to move that a Chairman leave a chair as soon as he came into it, by way of instituting a debate, and he should have imagined the honourable gentleman would have been glad of the opportunity the motion would have afforded him, of going into a general explanation of the clauses of the bill.

Mr. Drake. Mr. *Drake* censured (what he denominated) the unsteady, shuttlecock mode of proceeding in bringing bill after bill to amend and explain a subject of so much importance. He had heard a high character of Earl Cornwallis, and believed him to have been every way deserving of it; but if Government did not proceed in a more easy and settled manner, how did the House know, but before his Lordship reached Bengal, another bill might be proposed, his power truncated and his authority lost?

Mr. Chancellor Pitt. Mr. Chancellor *Pitt* inveighed against the ridiculous inconsistency of moving the Speaker out of the chair, merely for the purpose of moving him into it again, without doing any thing in consequence of his leaving it. But, gentlemen complained that they had not certain clauses prepared which they thought necessary to be added to the bill. In his opinion, sufficient time had been given to prepare every such clause; but had it been otherwise, an objection of that nature came with an awkward grace from gentlemen, who had themselves so recently prepared an entire new bill for the purpose of amending and altering the old one, and who of course must be provided with every thing they thought necessary for the purpose. The right honourable gentleman had boasted that he and his friends were desirous of putting off the necessity of answering the strong arguments of the right honourable gentleman; but he believed it would appear at they who endeavoured to move the Chairman out of the air, were more desirous to postpone the discussion, than those who wished to continue him in it, until that stage of business

business, in which alone such a discussion would be at all applicable. As for the arguments themselves to which he alluded, though he could not pretend to say he had not heard them, the tone and voice in which they were delivered having rendered that impossible, yet he must declare that he did not sufficiently understand how they affected the question, then before the Committee, so as to be able to attempt any answer to them with a view to arguing the impropriety of the Chairman's leaving the chair.

At length the question was put and lost. The Committee then proceeded, Mr. Dundas proposing to fill up the blanks; and to state his reason for each particular clause, as each came under consideration.

Mr. *Sloper* reprobated the clause which enacted, that the Commander in Chief should not in future be of necessity one of the Council. This was, he thought, extremely harsh and unfair in respect to the present Commander in Chief, and therefore he should move as an amendment to confine the clause to future Commanders in Chief: and the rather, because he thought it hard, that a Commander in Chief should be recalled, without some ground of complaint or reason being alledged.

Mr. *Fox* contended against the idea, that military men were not liable to be recalled by their employers without some reason being assigned. He said that he ever would maintain, that military men were liable to be recalled at the pleasure of those in whose service they were employed without any reason whatever being assigned: but he nevertheless thought the case of General *Sloper* exceedingly severe, as the taking from him a right of sitting at the Council Board, which he already enjoyed, *ex officio*, was an humiliating degradation of his character.

Mr. Chancellor *Pitt* lamented over that unfortunate state of public spirit within the kingdom which would not permit any question of political expediency to escape resisting arguments upon personal and private considerations. However, since such had become the practice he must submit to it, and would therefore answer the gentlemen upon their own grounds. He could easily account for the warmth which one of the honourable gentlemen had appeared to feel on the subject, where so near a relation was supposed to be concerned; it was natural, it was in some degree laudable; but for the right honourable gentleman who had taken up the same grounds there was no room for any such excuse. He would undertake to prove, that the bill might not in reality affect General *Sloper*, as had been urged; and he would also put a question to the honourable relation of the General, whether

ther, considering some circumstances which he should mention, any complaint could possibly be made by his friends, should it even operate against him in the manner it was apprehended. The General might probably still retain his situation in the Council, nor was it fair in the honourable gentleman (Mr. Sloper) to glance at the supposed injustice of recalling a General from his command without assigning any cause. The right honourable gentleman himself had at first joined in reprobating this doctrine, though towards the end of his speech he had inadvertently seemed to fall into it; and though he disclaimed the principle in general, he had adopted it in the particular case. He joined in opinion with his right honourable and learned friend, that a person might be perfectly eligible to the command of an army, without possessing those qualifications which were necessary in a statesman; and that more especially, in the Bengal government, where certain talents which were, by no means requisite in the soldier, were certainly indispensable in a counsellor, and that more especially, as the new powers to be vested in the Governor General, would lay the other members of the Council under the necessity, whenever those powers should be exercised, of entering in detail the whole of their arguments, on their journals, and taking a comprehensive political view of every question which should fall under such a circumstance; besides, the greater the political abilities of the counsellors might be, the greater restraint would be imposed on the Governor. He did not mean to argue upon the merits or abilities of General Sloper, as in reality they were no way concerned in the question, which only related to the establishment of a general political regulation without any reference whatever to the particular individual; but he believed he could remind the House, and the right honourable gentleman, of an instance, that should General Sloper be deprived of his seat in the council in consequence of that clause, it would appear to apply exactly in point. When on a former occasion, he had the misfortune to lose a seat in the Cabinet, the person who was commander in chief, had the good fortune to retain his office, but no longer continued a member of the Cabinet, though he had been one before. The right honourable gentleman had a considerable share in the arrangements which were made at that time, and he hoped he would explain to the House, how such an alteration could take place in the situation of a right honourable officer (General Conway) without involving him in the same disgrace that it was now stated would fall on General Sloper, by barely making it possible for that to happen to the latter which had actually happened to the former. He could by no means agree to take into consideration the circumstances of General Sloper's
 for-

fortune as an argument which either could or ought to weigh one way or the other on the present question, for it would be a dangerous and absurd doctrine to establish, that the House, in debating a question of a public nature, should be at all influenced by motives arising either from the wealth or the poverty of any person whom that question might affect. But the honour of General Sloper was by no means affected by the clause; and one circumstance must immediately silence all arguments drawn from that gentleman's situation:—
 “When General Sloper accepted of the command in India,
 “it was with a particular condition, that if this country
 “should be so fortunate as to acquire the assistance of the
 “abilities of Earl Cornwallis as Governor General, that then
 “the office of Commander in Chief should be united with
 “that of Governor, and to this condition General Sloper
 “consented.” He should therefore beg leave to ask the honourable gentleman so affectionately zealous in the cause of his relation, whether the latter could with reason either complain or repine?

Mr. *Sloper* answered, that Earl Cornwallis told him personally, that when he went out his going would not at all affect General Sloper's situation. Mr. Sloper

Mr. *Fox* remarked, that as the right honourable gentleman (Mr. Pitt) had chosen so particularly to advert to the case of the Commander in Chief (General Conway) he, for his part, should think it sufficient to answer, that when this gallant and enlightened officer sat in the Cabinet, it was in a time of war, and when he no longer belonged to the Cabinet, we were at peace. But to deprive General Sloper of the right of a seat in Council proved every way injurious, as a degradation of his character in the eyes of all India, and a most oppressive reduction of his appointments from sixteen thousand to only six thousand pounds a year. Mr. Fox.

Mr. *Sloper* declared, that General Sloper had much rather be recalled, than submit to so irksome and ignominious an alteration. Mr. Sloper

At length the Committee divided on Mr. Sloper's amendment, when the numbers were,

For the original words of the clause,	-	-	151
For the proposed amendment,	-	-	65

Majority,	-	-	86
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Mr. *Dundas* contended, that the clause, empowering the Court of Directors to unite the offices of Governor General and Commander in Chief in one and the same person, was equally necessary and politic, because it introduced an opportunity of employing Earl Cornwallis in the two different capacities, Mr. Dundas

short time to pay off all its own incumbrances, but to contribute also to the relief of this country. With all these particulars in their view, the Committee would, doubtless, wisely exercise their own judgements, and decide how far the right honourable gentleman, when exploring the womb of futurity, and describing the colour, the nature, and the consequences of East-India occurrences to come, was inspired with the sacred powers of unerring prophecy!

Mr. Fox.

Mr. Fox answered, that could it have been possible, by the artifices of misrepresentation, so to have tortured the meaning of his words, as to have impressed upon the House an idea that he had spoken of them with unbecoming insult, the right honourable gentleman might be described as having acted wisely thus far, at least, as such a procedure could fulfil his purpose: but, unluckily for such views, his words had been "the Board of Control screened public delinquents in that House from investigation and inquiry," in making which charge he meant that the pretence on which the right honourable gentleman, opposite to him, had refused papers which were called for, he in his conscience did not believe were founded in reality. Mr. Fox stated Mr. Eden's Report as Chairman of the Committee of last session, on the East-India Company's accounts, in support of the statement which he had given in that House of the Company's affairs, and declared that he was ready to meet the right honourable gentleman upon that ground whenever he should think proper.

The numbers on the second division, on the question to omit the oath to be taken by the Governor General, were 125 for the oath's standing part of the bill, and 36 for omitting the oath.

The House adjourned.

Thursday, 23d March.

No business took place.

Friday, 24th March.

Major Scott

Major Scott begged leave to trouble the House with three papers moved for by a right honourable gentleman (Mr Burke) relative to Benares. His first motion was, "That the Directors of the East-India Company do lay before this House, a copy of any proceedings they may have held at the India House in the year 1779, in consequence of a resolution taken by the Government General of Bengal, on the 9th of July, 1778, to demand from Cheyt Sing five lacs of rupees, as his proportion of the expence incurred by the war with France, that they do also specify at what time they received the account of this demand, and"

“ what time they received the secret consultations of the Bengal Government of the 28th of September, 1778; and also, a copy of any orders sent to Bengal, or proceedings, observations, or protests, of the Court of Directors, or of any of the Directors, that may appear upon the minutes of the Court either upon the receipt of the secret letter from Bengal, of the 17th of August, 1778, or in consequence of Mr. Hastings having recorded it as his opinion on the secret consultations of the 28th September, 1778, that ‘ Mr. Fowke’s instructions related only to the fixed and annual revenues, but could never be understood to preclude that right which every government inherently possesses, to compel all its dependencies to contribute by extraordinary supplies to the relief of extraordinary emergencies.”

Mr. *Francis* observed, that he could not discover what were the views of the honourable gentleman in making such a motion, unless, indeed, that he designed to criminate the Directors for neglect. If that was the motive, he would heartily join with the honourable gentlemen, who, he thought, very well knew that the answer would be, *Non est inventus*; because no instructions relative to this subject were at any time dispatched to the East Indies. Mr. Francis.

Major *Scott* answered, that he did not entertain the least doubt but that the reply would prove a *Non est inventus*, yet it appeared to him very material that the House should know it for a certainty, and he would state his reason. In some observations published by the Directors, in October, 1783, when an honourable member (Sir Henry Fletcher) was the Chairman, they severely censured Mr. Hastings and his Council, for demanding five lacks of rupees from Cheyt Sing. Now if he could prove that Mr. Hastings solemnly and deliberately recorded the principle upon which he acted, in September, 1778, and that it was received in England in May, 1779, and never noticed by the Directors, surely it would be fair to say, that the silence was acquiescence and approbation, and that the criminality, (if criminality existed) rested not with Mr. Hastings, but with the Directors. Major Scott.

Mr. *Sheridan* said, that it might perhaps tend to prove how unfit the Directors were for their stations, but could not exculpate Mr. Hastings, and that the right honourable and learned gentleman (Mr. Dundas) was to blame for choosing such Directors. In fact he saw not any necessity for the motion; but, motions from different sides of the House, were fated to receive far different encouragements. Mr. Sheridan.

Mr. *Dundas* expressed his willingness to give every paper for which either side might call for, provided that they could be granted without danger. With respect to the Directors, he had not the electing of them, and therefore was not responsible;

spensible; but the paper moved for by the honourable gentleman (Major Scott) referred to transactions which happened long before the establishment of the Board of Control.

Major Scott said, that the argument respecting the Directors being unfit for their offices, when not making the demand on Cheyt Sing till nine years after they heard it, would apply to both sides of the House. For, an honourable gentleman, not now a member (Mr. Gregory) and an honourable member, Sir Henry Fletcher, were in the direction at the time when the account was received relative to Cheyt Sing, and every year after, except when they were out by rotation, yet the right honourable gentleman (Mr. Fox) had fixed upon them to be two of the seven Directors under his bill, and of the nine Assistant Directors, seven at least were in the same situation. He never heard that any one of the number had protested against the demand made upon Cheyt Sing for three years successively, and enforced by military execution, until the subject was brought forward after the insurrection of Benares was canvassed in 1782.

The motion passed; and

Major Scott observing that his next proposition was meant to prove that, although the second demand was enforced by military execution, it had passed unnoticed by either the Minister or the Directors, moved, "That the Directors of the East-India Company do lay before this House a copy of any proceedings they may have held at the India House, in consequence of a resolution taken by the Government General of Bengal, on the 19th of July 1779, to require from Cheyt Sing five lacks of rupees, as his proportion of the expence incurred by the war with France, for that year, that they do also specify at what period they received the secret Bengal consultations upon the subject of the above Demand, and when they received the secret letter from Bengal of the 13th of March, 1780, which informed them that the demand had been enforced by the march of two battalions of sepoy to Benares, and that the Rajah had been compelled to defray the expence of this detachment; that the Directors be farther required to lay before this House, a copy of any orders that were sent to Bengal on this subject in 1780 or 1781, or of the observations or protests of the Court of Directors, or of any of the Directors in consequence of these proceedings in Bengal."

Mr. Chancellor Pitt observed, that though it could be no justification for Mr. Hastings (if he had done an act originally wrong) for that act; yet, if it appeared that he transmitted the earliest intelligence of what he had done, accompanied by his motives for doing it, and if the power which had a right to control him, did acquiesce in it, that such acquiescence

acquiescence was approbation. He did not know what the answer would be to the motion; but, it appeared to him that the motion itself might pass.

The motion passed.

Major *Scott* then moved, "That the Directors of the *Major Scott*
 " East-India Company do lay before this House, a copy of
 " any proceedings they may have held at the India House,
 " in consequence of a demand made by the Government Ge-
 " neral of Bengal, upon Cheyt Sing, on the 22d of June,
 " 1780, for five lacks of rupees, as his share of the expence
 " of the war for that year, that they be directed to inform
 " the House at what period the advices relative to this sub-
 " ject were received by them, and what orders were sent to
 " Bengal in the year 1781, in consequence of the informa-
 " tion contained in the secret letter from Bengal, of the steps
 " taken in that year to enforce Cheyt Sing to pay the five
 " lacks of rupees; also copies of observations and protests
 " of the Court of Directors, or of any of the Directors, made
 " in consequence of the information transmitted from Bengal
 " relative to Cheyt Sing in 1780."

After the reading of the order of the day for the House to resolve itself into a Committee on the bill to explain and amend the bill of 1784,

Mr. *Sheridan* remarked that he had a proposition to offer *Mr. Sheri-*
 previous to their resolving themselves into a Committee, *dan.*
 which he hoped would not be objected to. The bill consist-
 ed of two parts. The first part related to the regulations of
 the government in India, the second to the new Court of
 Judicature to be instituted at home, for the trial of persons
 charged with having been guilty of acts of delinquency and
 misdemeanor in India. As these were separate and distinct
 objects, he wished them to be separately considered, and, as
 probably Administration had made it a condition with Earl
 Cornwallis, that he should go out to Bengal invested with
 certain powers; it might be their desire to pass so much of
 the bill as related to the system of government, to be adopted
 in India as soon as possible. The same necessity for dispatch
 certainly did not apply to the judicature part of the bill, and
 as that part had been but little considered when the bill of
 1784 passed, he could wish that the learned and right ho-
 nourable gentleman opposite to him would consent to divide
 the bill, and separate the two subjects. In that case Admin-
 istration would have it in their power to make good any pro-
 mises which they might have made to Earl Cornwallis, and
 time might be taken for such a deliberate discussion of the
 judicature part of the bill, as the importance of it required.
 Mr. *Sheridan* concluded with moving, "That it be an in-
 " struction to the said Committee to divide the bill in two."
Mr.

Mr. Dundas.

Mr. Dundas observed, that although not objecting to the motion, he must beg leave to make a short reply to that part of the honourable gentleman's speech, in which he had suggested, that probably Administration might have made certain promises to Earl Cornwallis: he thought it due to that nobleman's character, to have it clearly understood, that every regulation for the future government of India, and all the powers which the bill would give to the Governor General, were determined upon long before Earl Cornwallis was thought of for the situation of Governor General; and it was but justice in him to declare most solemnly, that there never was a man who acted in a more fair and honourable way than Earl Cornwallis had done relative to his acceptance of the office. He had taken it without making any condition or stipulation whatsoever, and when he went out, the Public would be able to judge from the people whom Earl Cornwallis might take with him, whether any thing could be more praiseworthy than his conduct. With regard to the proposition of the honourable gentleman, he was always happy when he had it in his power to coincide with him, and could not but lament, that he had so often differed with him in opinion, and most probably should so often differ with him in future; on the present occasion he had not the smallest objection to his proposition.

Mr. Chancellor Pitt.

Mr. Chancellor Pitt declared, he would not press what he had to offer, if the gentlemen on the other side objected; but as the part of the bill which referred to the mode of ballot for the Jury or Court of Judicature to try East-India delinquents, he presumed, would not meet the smallest opposition, he might venture to ask, whether any gentleman designed seriously to except against the clauses?

Mr. Fox.

Mr. Fox remarked, that as the question to be discussed in future referred to the whole of the new judicature, he should conceive the whole consideration of it had better be reserved for subsequent discussion together, and therefore, as it would be necessary to determine whether the new judicature should be instituted or not before they proceeded to settle the mode of ballot for its members, he should conceive, that it would be more prudent to postpone the whole of the bill which referred to it for consideration hereafter.

Mr. Chancellor, Pitt acquiesced in this reasoning, and the instructions passed.

The House then went into a Committee, and Mr. Dundas proceeded to propose words to fill up the blanks of such of the remaining clauses as referred to the conduct of the Company's servants in India, in regard to gradual rise to superior offices, &c.

The Committee went through the bill, and upon motion made, "That the report be now received," an amendment was

was proposed to insert the words "Monday next," instead thereof.

After a short debate the House divided on the question, that the word "now," stand part of the question;

Ayes	-	-	-	-	89
Noes	-	-	-	-	24

Majority	-	-	-	-	65
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The main question was then put and agreed to, and the bill ordered to be read a third time on Monday next if engrossed.

The House adjourned.

Monday, 27th March.

The House having resolved itself into a Committee of the whole House,

Mr. *Jenkinson* made a proposition relative to the New-^{Mr. Jenkin-}foundland trade and fishery. reflecting which a bill had been ^{son.} brought in during the course of the preceding session, and gone as far as the second reading, but if the Committee were disposed to hear him, he would explain to them the principles on which his opinion was founded, and state the general system of regulations which appeared to him necessary to be laid down and established for the preservation of the Newfoundland trade and fishery. — First, the high importance of the trade to this country — Next, the means most likely to encourage and support it — And lastly, the situation of it, compared with that of those foreign powers with whom we had to contest in respect to the fisheries, were thoroughly entitled to the most serious attention of the House. The measures pursued last year in respect to the West Indies, had proved, that under due regulations, our commerce with that quarter of the world had grown and increased considerably since the separation between Great Britain and the United States of America, and there was every reason to believe, that our Newfoundland trade and fishery, when properly conducted, would prove equally successful. The accounts of last year evinced, that the gain upon that trade to this country amounted at least to 50,000*l.* annually; and that we sent out British commodities and brought home specie or bills for the fish which we sold to the Mediterranean, Portuguese, and other foreign markets. The number of ships and vessels employed in carrying on the trade were upwards of 450, in the manning of which 10,000 seamen were engaged: this, therefore proved, that the Newfoundland trade was not only a most valuable branch of our commerce, but a considerable source of naval strength, since it kept 10,000 men always

ready whenever the exigency of public affairs should require their service.

Ireland also, he was persuaded, proved a considerable gainer, as she supplied Newfoundland with all her salted provisions, the intercourse with the United States having been entirely cut off. In order to manifest the great importance of the object, he would just state the principles on which he thought it most advisable to regulate the Newfoundland fishery in future, the most essential of which was, to preserve it entirely a British fishery; and this could only be done by confining it to British ships, navigated from Great Britain, and by no means permitting any stationary settlement to be made on the island of Newfoundland. If a colony were to be settled there, courts of judicature must be instituted, and a civil government established, the obvious consequences of which would be, the loss of the fisheries to this country, as had been the case with respect to the New-England fisheries. No sooner was New England colonized, than the colony took the fisheries on their own coasts into their own hands, and we lost the fisheries. The old policy of this country in respect to Newfoundland, had always been, to put the fishery on such a footing as should avert this evil; and in order to do so the more effectually, it had been the practice to contract with the seamen, that they should be paid one part of the wages due to them for their service on the voyage outward and home again, in Great Britain, after their return home again: to this he should propose rigidly to adhere, and to such other regulations respecting the fisheries as were most likely to preserve the British fisheries; to the attainment of which end, it would materially conduce, to make all stands, stages, flakes, and curing houses on the island, no longer the property of those who might have erected them, than while they employed them in the business of the fishery, but if left, they should become liable to be occupied by those first arriving at the time of the ensuing fishing season. As emulation, and the spirit of adventure, were the source and vital spring of this trade, he should propose to hold out as many temptations for more to join in it as possible; and as it was perfectly free and open, and in which, of course, any person who chose it might embark, he should, by various ways, encourage men even of small fortunes and slender property to undertake it. This might be done by giving small bounties to every new adventurer, and by letting it be carried on by ships and vessels in which different people had shares. As to our situation in respect to the Newfoundland fishery, relatively to that of those foreign powers with whom we had to contest it, it was with no small satisfaction that he could say, that we enjoyed a manifest advantage over every competitor.

titor. France had endeavoured, by the most extravagant bounties, to encourage her fishery trade; she granted ten livres per quintal on all fish caught by her fishermen and brought either into her islands or into Old France. She also laid a high duty of five livres per quintal, on all fish brought either into her colonies or into her kingdom by foreign vessels; this was manifestly levelled at the United States of America, and at the same time it shewed the debility of the state of the French fisheries, by evincing, that the fish which they catch did not amount to a sufficient supply for themselves at home and in their West-India islands; if it had, France would have done as we did, have laid an actual prohibition on the importation of all fish into her colonies in foreign vessels. France, besides these two bounties, gave a third of ten livres per quintal upon all fish caught by their fishermen and exported to foreign countries. The bounties were extravagant almost to absurdity; because not only the fisheries of France were much impoverished, but she was aware of the great importance of encouraging them as greatly as possible, and set no limits to the expence of accomplishing such views. It would prove our own faults if we suffered our fisheries to dwindle and those of France to outrival us; and as one of our vessels, from the superior excellence of the utensils employed in the fishery, and the superior address and intrepidity of our seamen, could catch twice as many fish as a French fishing boat, he knew of no way for them to cope with us unless they debauched and enticed away our men, or got possession of our fishing vessels and the utensils used by us in the trade. He meant, therefore, to impose certain penalties, and to provide certain regulations, to prevent the sale of any of our fishing vessels except to British fishers. The bounties which he should propose, would not amount to more than six or seven thousand pounds; nor would he attempt to follow France in giving bounties on the export of our fish to foreign markets, because to do that must cost the nation 120,000l.; a sum so large, that no person, he believed, would think it prudent to expend it in that manner.

He now moved, " That bounties be allowed to a certain
 " number of vessels employed in the British fishery on the
 " banks of the island of Newfoundland, in manner following;
 " ing; that is to say, to the first one hundred vessels which
 " shall arrive in each year, in the ports of the said island,
 " with a cargo of fish, not less than 10,000 by tale,
 " caught on the banks thereof, and shall, after landing the
 " same, proceed for, and return with one cargo of fish more
 " at least, caught upon the said banks, if carrying not less
 " than twelve men, forty pounds each; but if such men
 " are carried upon shares, fifty pounds each. If carrying

“ less than twelve men, and not less than seven, twenty-five
 “ pounds each; but if such men are carried upon shares,
 “ thirty-five pounds each. And to the next one hundred
 “ vessels that shall arrive in the said ports with a like cargo,
 “ and shall, after landing the same, proceed again to the said
 “ banks, and return from thence with one or more cargoes
 “ of fish, in manner aforesaid, if carrying twelve men,
 “ twenty-five pounds each; but if such men are carried
 “ upon shares, thirty-five pounds each. If carrying less
 “ than twelve men, and not less than seven men, eighteen
 “ pounds each; but if such men are carried upon shares,
 “ twenty-one pounds each.”

When Mr. Gilbert, chairman of the Committee, had read the resolution,

Sir Grey
Cooper.

Sir Grey Cooper remarked, that far from meaning to oppose the resolution, he felt it but an act of common justice to declare his perfect concurrence in what the right honourable gentleman had stated, with all that precision and accuracy which was the constant characteristic of a thorough knowledge of the subject. The bill of 1775 was near expiring, and therefore he had expected that a new bill would be brought in. The right honourable gentleman had taken a principal share in preparing and conducting the existing bill through the House, and at that time he had the benefit of the assistance of an honourable Admiral, no longer a member of Parliament; who, from a long residence at Newfoundland, and a sedulous investigation into the nature of the fisheries, was fully enabled to give advice upon the subject. Undoubtedly the fisheries were great and important national concerns; they deserved every possible encouragement and support, but most of all, that ancient staple fishery of this kingdom, the Newfoundland fishery. It was to be considered not merely as a source of riches and commerce, but of naval power and maritime strength. He admired the magnificent question lately put by a right honourable gentleman in that House, of “ who should set limits to the naval strength of Great Britain?” The question however was easily answered; the point set its own limits, for it must be obvious to every man, that it was to no purpose to expend vast sums in building large ships of war, and increasing the number of our fleets, if we did not get men to man the ships with after they were built. Every means therefore for providing nurseries for seamen ought to be carefully attended to by Government and by that House, and surely none could prove more effectual for that purpose than the encouraging of our fisheries.

Mr. Hop-
ins.

Mr. Hopkins trusted that when the bill to be founded on the resolution should be brought in, those who were chiefly
 con-

concerned in the Newfoundland trade would have proper time allowed them to make themselves masters of it, and to consider how far it would or would not prove injurious to their interests.

Captain *Berkeley* expressed his hopes that the right honourable gentleman did not carry his ideas so far as to mean to enact, that those who had expended ten or fifteen thousand pounds in erecting houses, flakes, and stages, on the island of Newfoundland, were to be deprived of their property, and the buildings made common property, and free to the possession of the first comers. If so, what man would venture to embark in a trade so manifestly injurious to his fortune? Captain *Berkeley* produced a clause, which he begged to submit to the right honourable gentleman, and if he approved it, he said, he would move it when the bill should be in a Committee.

Mr. *Jenkinson* answered, the present moment was by no means seasonable to the discussion of clauses for a bill which was not yet before the House; but he owned that he had no conception of any houses or stages, used in the fishery, costing any thing like ten or fifteen thousand pounds. He signified his determination, as far as his own opinion went, that all buildings not actually employed in the fishery at the time should be free to the first comers.

The resolution passed.

Mr. *Sheridan* remarked, that when he considered that scarcely many minutes had elapsed subsequently to the delivery of the Report of the Committee to inquire concerning the state of the national finances into the hands of the several members of that House, he could not avoid intimating to a right honourable gentleman (Mr. Pitt) his earnest wishes that he would consent to postpone the consideration of the Report until either the ensuing Monday or Friday. Great was the importance of the subject, and consequently it must make every gentleman desire that it should be considered and discussed in as full a House as possible; and therefore as the call of the House stood for the next Tuesday, he should conceive it would be right to let the subject be discussed as near the day of the call as possible. He had looked with accuracy enough in the Report to observe, that it would not give the satisfaction expected from it. He was aware that another business stood for Monday, but the deferring of that for one or two days, he presumed, would make no difference; yet if the consideration of the Report was postponed only till Friday, even that slight procrastination would give gentleman more time to examine and understand it.

Mr. Chancellor *Pitt* answered, that the arguments of the honourable gentleman were by no means sufficient to warrant a delay

a delay in a business of such importance, and one to which the objection of surprize could by no means be made, as it had been so long a subject of anxious expectation, both to that House and the Public, and as such steps had been taken to bring it forward in a well-digested and methodical manner, by the Report of the Select Committee. It was rather singular that the honourable gentleman should complain that he had received a copy of the Report sufficiently early, and yet should himself have stated that he had read the whole of it so very accurately as to be able to enter into the detail of it, and to state so fully the objections which he intended to make. The Report, he was persuaded, would afford ample information to gentlemen who really wished to obtain information from it, and it was so clearly and precisely drawn up as to require but little study to understand it completely. As to waiting until the call of the House to bring forward the first motion in the business, he thought that was by no means the method to secure it a complete and full attendance. On the contrary, the better way would be to open it previous to the call, so as to have it in a state of forwardness at the time when the operation of the call should be most strong, that so a full consideration in a crowded House might be insured in the most important state of the business—the introduction of the bill. He indeed, even if he had not been called up by the honourable gentleman, intended to have made a motion relative to the business, and as an introduction to it, he should move, “That His Majesty’s most gracious speech to both Houses of Parliament, upon the 24th of January last, might be read.” The clerk accordingly read, and Mr. Pitt concluded with moving,

“That this House will, upon Wednesday morning next, resolve itself into a Committee of the whole House, to consider of so much of His Majesty’s said most gracious speech to both Houses of Parliament as recommends to this House the establishment of a fixed plan for the reduction of the national debt.”

Mr. Pitt next moved,

“That the Report which, upon Tuesday last, was made from the Select Committee, to whom it was referred to examine and state the several accounts and other papers presented to the House in this session of Parliament relating to the public income and expenditure, and to report to the House what may be expected to be the annual amount of the said income and expenditure in future, be referred to the said Committee.”

Mr. Sheridan
“

Mr. Sheridan begged leave to remind the right honourable gentleman of his error, for the purpose of rectifying which he should not hesitate to assert, that he by no means stated
the

that he had read the whole of the Report; he only said, he had looked at the Report with sufficient accuracy to see that it would not afford the Public the satisfaction expected. However he certainly would not press the matter; but he hoped that the right honourable gentleman, by his eagerness for an early day, looked forward to a day of triumph, and not to a day of disappointment to the Public, and of disgrace to himself. As far as he had seen, so far from the existence of a considerable surplus, at present there was not any, and therefore the Report completely disproved all that the right honourable gentleman had advanced relative to the matter.

Mr. Pitt's motions passed.

The East-India bill having been, on the motion of Mr. Dundas, read a third time, Mr. Dempster proposed to annex a clause by way of rider, for the purpose of limiting the duration of the act of three or five years. Mr. Dempster justified the clause on the ground, that as the bill was to vest a new and unheard-of discretionary power in the Governor General to enable him to act in opposition to the advice of his Council, it was necessary to limit the duration of the exercise of such an extraordinary power.

Mr. Dundas opposed the bringing up any such clause, as a matter repugnant to the principle of his bill, which was to establish a permanent government.

The House divided; Ayes, for bringing up the clause, 37; Noes, 108.

Sir James Erskine moved to bring up three other clauses, but they were all rejected without a division.

The bill then passed, and Mr. Dundas was ordered to carry it to the Lords.

The order of the day being read for the second reading of Stourbridge canal bill, a short conversation took place between Mr. Minchin, Lord Westcote, Sir Richard Sutton, and others. Mr. Minchin moved to postpone the second reading for three months, but afterwards gave up his motion.

The bill was then read a second time, and the House proceeded to hear counsel and examine witnesses.

The House adjourned.

Tuesday, 28th March.

No business took place.

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